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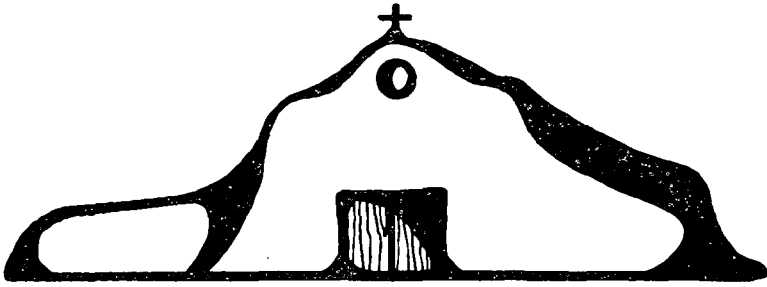
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**NEW MEXICO
HISTORICAL
REVIEW**
REPRINT

JANUARY 1943

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NECROLOGY

IN APPRECIATION

One of New Mexico's prime attractions, both to its own residents as well as to outsiders, is its rich and deep history. Nowhere did Indian society have greater historical impact, nor was there any area of the United States to which imperial Spain bequeathed such an indelible legacy. The pioneer period completes the trilogy and vies for historical attention.

With this historical background, today's society in the Land of Enchantment has need for substantial information concerning New Mexico. Chief vehicle for periodical publication concerning the state is the *New Mexico Historical Review*, which was born in 1926. In it, articles of maximum value have appeared quarterly for over a half century, representing a great treasury of authoritative information. However, with the passage of time some of the most important issues of the *Review* have become unavailable, with these out-of-print issues accessible at high prices at rare book shops, or sometimes unobtainable at any price. With a growing population desirous of becoming better informed concerning New Mexico, the need to provide availability to such important material became apparent.

The present reprint program was only a scholar's dream until farsighted citizens became likewise convinced of the utility of making available a storehouse of knowledge, particularly focusing their concern on educational need for republication. Max Roybal, Bennie Aragon, Robert Aragon, Mike Alarid and Adele Cinelli-Hunley provided effective leadership. Legislators Don L. King and Alex Martinez presented Senate Bill #8 to the 1980 session of the New Mexico State Legislature and used their influence and that of Governor and Mrs. Bruce King to insure favorable consideration. The Board of the NMHR, speaking for followers of New Mexico's important history, warmly thanks these friends for such support.

Donald C. Cutter
Chairman, Editorial Board, NMHR



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NEW MEXICO HISTORICAL REVIEW

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THE NEW MEXICO-CALIFORNIA CARAVAN OF 1847-1848

By JOHN ADAM HUSSEY

FOR AT least eighteen years—from 1830 to 1848—New Mexico and California were linked together by an organized caravan trade conducted chiefly by the New Mexican merchants of Santa Fé. This commerce was a natural extension of the already long-established New Mexican trading operations among the Indians of Utah.¹ It appears to have been tales of the fine horses and mules found in California by trappers who visited that territory in the wake of Jedediah Smith which drew attention to the new field of commercial enterprise. As early as 1827 Richard Campbell seems to have reached California from Santa Fé and returned with mounts destined for Louisiana.² Others were soon following in his footsteps.

So far as is known, the regular caravan trade with California began early in 1830 with the arrival at San Bernardino of a party of New Mexicans who had come by authority of Don José Antonio Chavez, governor of New Mexico, to secure mules in exchange for products of their own country.³

1. See Joseph J. Hill, "Spanish and Mexican Exploration and Trade Northwest from New Mexico into the Great Basin, 1765-1853," in *Utah Historical Quarterly*, III (January, 1930), [3]-23.

2. For the latest evaluation of the evidence regarding Campbell, see Alice Bay Maloney, "The Richard Campbell Party of 1827," in *California Historical Society Quarterly*, XVIII (December, 1939), 347-354.

3. The diary of this expedition is printed in English, with some interesting speculations on the origin of the trade, in Archer Butler Hulbert, ed., *Southwest on the Turquoise Trail: the First Diaries on the Road to Santa Fé* ([Colorado Springs], The Stewart Commission of Colorado College; [Denver] The Denver Public Library [1933]), pp. 281-289.

Thereafter, parties of traders appear to have made the long and exhausting journey to the Pacific almost every year until 1848, when conditions resulting from the Mexican War and the Gold Rush seem to have ended the traffic.⁴

On the outward trip from Santa Fé, the pack saddles of the caravan carried mainly woolen goods—*serapes*, *fresadas*, and coverlets. Homeward bound, the traders brought horses and mules, with a few Chinese silk goods and other cloths. Almost invariably the herds of the returning caravans included numbers of illegally acquired animals. As a result, the trade was put under strict supervision by the authorities of both provinces as early as 1833, and this control was maintained throughout the entire life of the commerce. During the same period in which the organization and activities of the caravans were being regulated, their route of travel was being explored and becoming fixed. Within a very few years after 1830 the mule track through Utah and southern Nevada known as the "Old Spanish Trail" had become the habitual path of the traders.⁵

The story of this commerce has been written.⁶ The main features of the trade—the manner in which caravans were organized, the regulations to which they were subject, the types and amounts of goods they carried, how they looked on the trail—all these aspects are known in a more or less detailed manner. There exist, however, many gaps in the picture. For instance, there are years for which information on the caravans is non-existent or of the most

4. Travel and commerce between New Mexico and California, even by the "Old Spanish Trail," by no means ended in 1848. Emigration to the California mines and a brisk trade in cattle and sheep strengthened the link between the two regions, but there seems to be no record of caravans of the old type after that date.

5. See Joseph J. Hill, "The Old Spanish Trail," in *Hispanic American Historical Review*, IV (August, 1921), 444-473.

6. Eleanor Frances Lawrence, *The Old Spanish Trail from Santa Fé to California* (unpublished M. A. thesis, University of California, Berkeley, 1930). A part of this valuable thesis has been published under the title of "Mexican Trade between Santa Fé and Los Angeles, 1830-1848," in *California Historical Society Quarterly*, X (March, 1931), 27-39. See also the same writer's article, "Horse Thieves on the Spanish Trail," in *Touring Topics*, vol. XXIII, no. 1 (January, 1931), p. 22; and Ralph Emerson Twitchell, *The Leading Facts of New Mexican History* (2 vols., Cedar Rapids, Iowa, 1912), II, 142-144.

fragmentary character. There is no complete account of the appearance, number, goods, and activities of the caravan for any one year. In particular, certain aspects of the operations of the traders of 1847-1848 have been misunderstood because sufficient information upon which to base proper conclusions has been lacking.

With the transfer of the bulk of the older War Department records to the National Archives, documents have been made available which help to fill these gaps. Among the correspondence of the United States Army officers in California for the years 1847 and 1848 have been found letters and orders which throw new light upon the composition and activities of the last New Mexican trading caravan known to have made the long trip from Santa Fé to the Pacific. From these manuscripts and other sources can be constructed what is probably the most complete account of the trade for any single year. It seems worthwhile, therefore, in the light of this new evidence, to re-tell the story of the caravan which reached California during the last month of 1847.

In December of that year, California was under the control of the armed forces of the United States. With Monterey as his capital, Colonel Richard B. Mason occupied the position of governor and commander-in-chief of the troops in the territory. In charge of the Southern District of California, with headquarters at Los Angeles, was Colonel Jonathan D. Stevenson of the New York Volunteers. Although all serious resistance to the American conquest of California had been stamped out in January, the military authorities had been kept continually uneasy throughout the year by rumors of threatened outbreaks on the part of the conquered populace. During December there was a flurry of these alarms, most of them being connected with the presence in the territory of a number of visitors from the Mexican state of Sonora. How seriously these rumors were taken by the government is revealed by the fact that on December 27, Colonel Mason issued a proclamation re-

quiring all Sonoreños in California to appear before the military authorities within a specified period or to be treated as enemies.⁷

Under these circumstances, Colonel Stevenson was somewhat disconcerted when, early in December, a New Mexican arrived in Los Angeles and announced that he had come in advance of the rest of his party, some 225 of his countrymen, well armed, who were approaching California to trade as had been their custom for long past. The prospect of having such a large body of Mexicans roaming about the territory with weapons in their hands was not one which the military authorities could view with equanimity. Furthermore, Colonel Stevenson was perplexed as to whether or not duties should be collected on the goods brought in by the New Mexicans. As a war measure, the United States had placed heavy imposts upon imports into the occupied areas of Mexico and upon goods transferred by sea from one occupied port to another.⁸ However, in these regulations and in the modifications of them issued by the military and naval commanders for California, the status of overland commerce was not made clear.⁹ Thus Stevenson found himself without definite instructions to cover the case at hand. In his dilemma, he decided to refer the matter to Governor Mason.¹⁰

Meanwhile, to intercept the caravan before its members should have scattered to commence their barter, Stevenson

7. Hubert Howe Bancroft, *History of California* (7 vols., San Francisco, 1884-1890), V, 583-585.

8. U. S., 30th Cong., 1st Sess., House Ex. Doc. no. 8, pp. 552-589.

9. As a matter of fact, internal duties on the transfer of goods from one occupied department to another had been abolished by the United States in March, 1847, but this fact evidently was not understood by the authorities in California. *Ibid.*, p. 587. For further details regarding customs duties see U. S., 31st Cong., 1st Sess., House Ex. Doc. no. 17, pp. 406-407, 422-425; and the authorities cited in Bancroft, *History of California*, V, 571-574.

10. Jonathan D. Stevenson to John Wynn Davidson, Los Angeles, December 7, 1847; Stevenson to Richard Barnes Mason, Los Angeles, December 14, 1847, in U. S. War Department, Adjutant General's Office, 10th Military Department, Miscellaneous Letters and Orders File (MSS in Division of War Department Archives, the National Archives, Washington, D. C.; and hereinafter cited as A. G. O., 10th Mil. Dept., Misc. Letters and Orders File).

dispatched Lieutenant John W. Davidson,¹¹ of the First United States Dragoons, with Stephen C. Foster¹² as interpreter and sixteen dragoons as escort, to meet the traders at the Cajon Pass, the chief natural gateway through the mountains which separate the Mojave Desert from the coastal region of Southern California. Davidson was ordered to inform the New Mexicans that they were to proceed directly to the military post at Los Angeles and there deposit their arms. In addition, the merchants were to place their goods in "some safe and convenient place at this Post where a sentinel can be placed over them," until Mason's decision regarding the duties should be known. Upon hearing from the governor, the members of the caravan were to be free to trade "under the customary regulations of the country." If the New Mexicans required a more prompt communication with Mason than was afforded by the ordinary mail, they were to be at liberty to send an express to Monterey. In case of a refusal on the part of the chief men of the caravan to comply with these conditions, Davidson was told, "you will notify them that they will be regarded as enemies and their goods confiscated wherever found."¹³

Lieutenant Davidson reached his assigned post on December 10.¹⁴ His first contact with the approaching New Mexicans is described by the following communication which he directed to Colonel Stevenson from the "Pass of the Cahoon" on Sunday, December 12, 1847:

11. John Wynn Davidson, a native of Virginia, graduate of the United States Military Academy, and at this time a second lieutenant, 1st U. S. Dragoons. For further details see Francis Bernard Heitman, *Historical Register and Dictionary of the United States Army from its Organization, September 29, 1789, to March 2, 1903* (2 vols., Washington, D. C., 1903), I, 355-356.

12. Stephen Clark Foster, a native of Maine, born in 1820, a graduate of Yale, a physician in Missouri, and a trader in New Mexico and Sonora. He came to California as interpreter with the Mormon Battalion. He was appointed first alcalde and juez de paz of Los Angeles on December 10, 1847, by Governor Mason. Although mentioned only as "Dr. Foster" or "Forster" in the documents upon which this article is based, there can be no doubt but that Stephen Foster was the man who accompanied Lieut. Davidson to the Cajon. For more biographical details see Bancroft, *op. cit.*, III, 745.

13. Stevenson to Davidson, Los Angeles, December 7, 1847, in A. G. O., 10th Mil. Dept., Misc. Letters and Orders File.

14. Davidson to Stevenson, Los Angeles, December 15, 1847, *ibid.*

Sir.

I have the honor to report to you as follows. This morning arrived in my camp Juan Ignacio Martinez, one of the principal men of the N. M. Caravan, and empowered to act for the whole. The instructions you gave me were read and explained to him. His party will arrive here tomorrow afternoon. He objects to marching to Los Angeles with his merchandise, his animals are completely broken down, and the embargo upon his goods until the decision of the Governor be known deprives him of the means to procure fresh ones to move in. His reasons appear to me just. I have therefore given him permission to go in and see you personally, and make what arrangements may seem best to you as I have no discretion left me by your orders. In the mean time he leaves orders that no sales be made until your decision be known to me, and I shall await here your orders on the subject.¹⁵

Without delay, Martinez pushed on into Los Angeles to make his appeal to the commander of the Southern District.¹⁶ How he fared is told by the following extract from a letter written by Colonel Stevenson to Governor Mason on December 14:

The N. Mexican Juan Ignacio Martinez spoken of by Lieut. Davidson has come in and been recognized by Lieut. Carson¹⁷ as a staunch and unwaver-

15. A. G. O., 10th Mil. Dept., Misc. Letters and Orders File.

16. On his visit to the authorities, Martinez was accompanied by his brother-in-law, John Rowland, well-known resident of the Los Angeles area and one of the leaders of the Rowland-Workman party of 1841. Before coming to California, Rowland for some eighteen years had resided in New Mexico, where he had married Encarnación Martinez. Stevenson to Davidson, Los Angeles, December 13, 1847, in Jonathan D. Stevenson, "Letter Book, to February, 1848" (MS in New York Historical Society, New York City), pp. 336-337; Bancroft, *op. cit.*, V, 705; Harris Newmark, *Sixty Years in Southern California, 1853-1913*, edited by Maurice H. and Marco R. Newmark (3rd ed., Boston and New York: Houghton Mifflin Company, 1930), p. 91, note a.

17. The famous frontiersman and resident of New Mexico, Christopher Carson, had been commissioned a second lieutenant, Regiment of Mounted Riflemen, U. S. A., by President Polk on June 9, 1847. Edwin Legrand Sabin, *Kit Carson Days, 1809-1868* (Revised ed., 2 vols., New York: The Press of the Pioneers, Inc., 1935), II, 571. Carson arrived at Los Angeles, after a trip overland from Washington, in late October or early November, 1847. After taking his orders to Monterey, Carson was directed, in November, to return to Los Angeles and recruit his men and animals for mountain duty. On December 27, 1847, he was assigned to temporary duty with

ing friend of the American Authorities at Tows [sic] and at the time of the outbreak at that place,¹⁸ saved the lives of Americans at the peril of his own, and such I am advised is the character of all of the chief men of the Caravan, they have all Passports and a guarantee of safe conduct signed by Lt Col Alf. [sic] R. Easton Com'd'g at Santa Fé.¹⁹ The small quantity of goods they have has about 80 owners, many single mule loads having two, and in some cases three owners, and they were induced to come here under the promise of kind treatment and an assurance that their goods would be admitted free of duty, the caravan is composed generally of poor men who have purchased their goods and outfit upon credit to be paid for upon their return home. They regard themselves as American citizens and said they would rather leave the country than violate any laws or regulations of the American Authorities. Under these circumstances and the strong evidence I have of their friendly disposition towards the American Authorities I have authorized Lieut Davidson to make the following arrangements with them. "The goods to be valued at their cost in New Mexico, and a bond executed by the most responsible and chief men of the caravan to pay at Los Angeles on the 1st day of April 1848, a duty of 20 pr cent upon such valuation in case the Governor shall require it." If they should accept these terms I am assured by Carson

Company C, 1st Dragoons, stationed at Los Angeles. A. G. O., 10th Mil. Dept., "Letter Book, March-December, 1847," pp. 210-211; A. G. O., 10th Mil. Dept., "Order Book, February-December, 1847" (MSS in Division of War Department Archives, the National Archives), pp. 166-167.

18. The reference is to the rising of the Indians and Mexicans against the American authorities at Taos and the surrounding area in January, 1847. Governor Charles Bent and a number of Americans and loyal Mexicans were killed during the revolt. See Hubert Howe Bancroft, *History of Arizona and New Mexico, 1580-1888* (San Francisco, 1889), pp. 432-434; and Ralph Emerson Twitchell, *The History of the Military Occupation of the Territory of New Mexico from 1846 to 1851* (Denver, 1909), pp. 122-139.

19. Evidently Alton R. Easton, colonel of the 1st Missouri Volunteer Infantry which served at Matamoros during the summer of 1846 and lieutenant colonel and commander of the Battalion of Missouri Volunteer Infantry which formed a part of Sterling Price's forces in New Mexico and northern Mexico during parts of 1847 and 1848. V. G. Setser (Acting Chief, Division of Reference, the National Archives) to J. A. Hussey, Washington, D. C., March 29, 1940 (typewritten letter in possession of the writer).

that any bond they sign will be paid, as he recognizes a few names among the leaders who are responsible. I have fixed the 1st of April as the day of payment for the reason that they are to be assembled on that day at the Cajon Pass to take up their line of march for New Mexico.

I am advised by a reliable source, that since they came into the country, offers of aid and support have been held out to them to resist my authority, all of which they promptly rejected, and I shall have the assurance of all the leaders, that they will not only use all their influence to prevent any of their people being engaged in an insurrection, but will give me the earliest notice of any such scheme that may come to their knowledge.

From all I can learn of the history and character of these people I would respectfully suggest that their goods be admitted free of duty if you have the power to so order it.²⁰

Meanwhile, on December 13, the caravan had arrived at the Cajon Pass and gone into camp. Lieutenant Davidson found the traders to be an organized body under the command of Francisco Estevan Vigil.²¹ The organization, however, was only for the road. The entire company numbered 209, of whom fifty were boys under sixteen.²² Among them the New Mexicans had about sixty firearms, "mostly in bad condition." The bulk of the party was equipped with bows and arrows. Their goods, exclusively products of

20. A. G. O., 10th Mil. Dept., Misc. Letters and Orders File. Stevenson told Davidson that he had made the terms easy "under a full impression" that no duties would be charged by Mason. Stevenson to Davidson, Los Angeles, December 13, 1847, in Stevenson, "Letter Book, to February, 1848," pp. 336-337.

21. The name of the leader is also given as Juan and José E. Vigil at different places in the various documents cited in this article, but the form Francisco Estevan Vigil appears most frequently and with best authority. Francisco Estevan Vigil had long participated in the New Mexico-California trade. As early as 1841 he was the commander of a caravan. Francisco Estevan Bifil [*sic*] al prefecto de los Angeles, Rito de Quintana, October 19, 1841, in "San Diego Archives" (MS in the Bancroft Library, University of California), p. 279.

22. Certain information sent to Governor Mason seems to have given the composition of the party as "212 persons of whom about 60 were boys." Mason to Roger Jones, Monterey, February 1, 1848, in A. G. O., 10th Mil. Dept., "Letter Book, January-February, 1848," pp. 43-47. It was probably through Mason that this same information was given to the public press. *The Californian* (San Francisco, California), December 29, 1847.

New Mexico, were carried by 150 or 160 pack mules and were estimated to have a first cost value of from \$8,000 to \$10,000. Between seventy and eighty men were named as being owners of merchandise, but there were "as many more interested in the concern." The greatest amount of property owned by any one trader did not exceed "three or four hundred dollars, monied value." Interpreter Foster noted that the company had suffered much from cold and snow on the trip.²³

Like Martinez, the traders protested vigorously when told by Davidson of the terms upon which they were to be admitted into the country. They said that "they considered themselves as *American Citizens*, and that the American government would be breaking its faith with them, should duties be levied on their goods, and that they were poor, had had a long journey and such duties would be ruinous in the extreme." In vain did Davidson try to pacify them by explaining that their goods were simply to be placed on deposit until the governor's decision should be known. The New Mexicans stated that they would leave their goods, "the whole cargo, in Los Angeles, and go back and reclaim from the American government the damage sustained by them in the trip."²⁴

In a report to Colonel Stevenson dated at Los Angeles, December 15, Lieutenant Davidson describes his solution of the difficulty. He wrote:

Matters remained thus until the morning of the 14th, when I received fresh instructions from you by my messenger, and a delegation of power from you, as I was on the spot to make such arrangements [*sic*] with them as were least burdensome and [would] at the same time command respect from them for the American Authorities.

23. The description of the caravan contained in this paragraph is based upon two letters: Stevenson to Mason, Los Angeles, December 14, 1847; Davidson to Stevenson, Los Angeles, December 15, 1847, in A. G. O., 10th Mil. Dept., Misc. Letters and Orders File.

24. Davidson to Stevenson, Los Angeles, December 15, 1847, in A. G. O., 10th Mil. Dept., Misc., Letters and Orders File.

Thus empowered, I inspected their camp and found their arms but sufficient to protect their property on the road and, besides, useless. Assured of their friendliness to us and of their Americanism, I allowed them to retain their arms. . . . I exacted from them a list of the owners of the caravan . . . and of the goods they brought, and a security from their leader, Vigil, that this was correct and given in good faith, so that *should* the decision be made by the Governor that duties be paid by these people on their goods, when they assemble as is their custom about the month of April to return to N. Mexico, at the Cahon [*sic*] pass, the collection of these duties can then be enforced.²⁵

Lieutenant Davidson stated that he was moved to make this determination because the New Mexicans had come under the impression that, as Americans, they would have no duties to pay and because they carried a safeguard from the military commander at Santa Fé. "Besides," he said, "they appear a poor miserable collection of people, manifesting every friendly disposition towards us." Thus, without requiring a bond but after telling the merchants that each was individually responsible for his amount of duties if payment were ordered, and after assuring them of the friendly feelings of the California authorities, the lieutenant gave the New Mexicans permission to disperse and commence their trade with the people of the country.²⁶

Nearly two weeks later Colonel Mason signified his qualified approval of what had been done in the case of the caravan. Through his acting assistant adjutant general, the governor remarked to Colonel Stevenson that the arrival of "so large a body of men partly armed is at least suspicious & although their avowed purpose is that of trade, their presence here affords to the discontented of the country a hope of aid, & thereby tends to disturb the peace & quiet of

25. A. G. O., 10th Mil. Dept., Misc. Letters and Orders File. For the sake of clarity, some of the punctuation of the original letter has been modified in the extract.

26. Davidson to Stevenson, Los Angeles, December 15, 1847, in A. G. O., 10th Mil. Dept., Misc. Letters and Orders File. Davidson's list of traders and their goods has not yet been found among the records of the War Department.

the country." Mason was unimpressed by the traders' statement that they had been assured by the authorities in Santa Fé that no duties would be collected on their goods in California. "It can hardly be believed that any such assurances were given them," he wrote, since the president's regulations for trade in the occupied areas of Mexico must have been known at Santa Fé before the departure of the caravan.

Nevertheless, in consideration of the facts which had caused Colonel Stevenson to relax his first restrictions on the traders and, in particular, "on account of their poverty & the distress that would be occasioned to them by the payment of duties," Governor Mason consented to allow the merchants to remain in California and to conduct their trade upon certain conditions. He specified that a number of the principal men of the caravan were to enter into a joint bond for a sum equal to a duty of twenty per cent of the value of their goods, this bond to be endorsed if practicable by two or more men of Los Angeles and made payable on or before the first day of April, 1848. The New Mexicans were to deposit their arms with Colonel Stevenson before dispersing to trade. They were to re-assemble at the Cajon Pass on or before the next first of April and were to be beyond the Colorado River before the fifteenth day of the same month. On the other hand, if, during their stay in California, the merchants acted in good faith and in no manner violated any of the laws of the country, their bond would be returned "free of any charge whatever." But if any members of the caravan were concerned in any way in any outbreak or disturbance, the payment would be exacted and the persons and property of the whole party would be "made answerable for any injury done."²⁷

27. William Tecumseh Sherman to Stevenson, Monterey, December 27, 1847, in A. G. O., 10th Mil. Dept., "Letter Book, March-December, 1847," pp. 239-241. It is interesting to note that in a later letter to the adjutant general, Mason gave as reasons for not imposing a duty the following: "that they were already in the country according to an old Mexican custom, which exemp[ted?] them from the payment of duty; they were poor & friends and to exact from them an unexpected tax would excite public animosity towards us, more detrimental to our interests than the loss of so small a sum." Mason to Jones, Monterey, February 1, 1848, in A. G. O., 10th Mil. Dept., "Letter Book, January-February, 1848," pp. 43-47.

Records do not reveal whether or not this bond was actually exacted. It may not have been, since by the time Mason's order reached Los Angeles the traders probably were pretty well scattered.

As early as December 22, some of the blankets and other goods brought by the caravan had been sold to merchants of the Los Angeles area who, in turn, planned to ship them to ports in northern California for re-sale. Colonel Stevenson directed the collector at San Pedro to see that the goods were invoiced as of Mexican manufacture so that the proper duties would be charged upon them at Monterey or San Francisco.²⁸ In February, Governor Mason reported that several of the New Mexicans had been up as far as Monterey, "trafficking [*sic*] blankets." They appeared, he stated, "quiet & well disposed."²⁹

When April 1, 1848—the day set for the traders to gather at the Cajon Pass—arrived, the party was still in the process of assembling in the region of Los Angeles. The authorities seem to have exerted no pressure to force them to leave on the appointed date, possibly because of their good behavior while in the territory. The conduct of the men of the caravan had been "unexceptional," Governor Mason admitted. "They have been scattered," he wrote to the commanding officer at Santa Fé, "& have traded with the people of the country, exchanging their blankets and serapes for horses & mules, large bands of which they design bringing back to Santa Fé."³⁰

On the third of April, Vigil and Juan Ygnacio Morsine [Martinez?], as commanders of the caravan, wrote to the alcalde of Los Angeles informing him that the party would leave for New Mexico on the fifteenth, on which date they were all required to be assembled at San Bernardino. The leaders asked the alcalde to advise "the Colonel"—evidently

28. Steevnson to David W. Alexander, Los Angeles, December 22, 1847, in Stevenson, "Letter Book, to February, 1848," p. 345.

29. Mason to Jones, Monterey, February 1, 1848, in A. G. O., 10th Mil. Dept., "Letter Book, January-February, 1848," pp. 43-47.

30. [Mason] to Commanding Officer at Santa Fé, Monterey, April —, 1848, in A. G. O., 10th Mil. Dept., "Letter Book, February-May, 1848," pp. 50-51.

Stevenson—of the fact in order that they might be helped to get munitions, since none could be obtained in the stores.³¹

To supervise the departure of the New Mexicans, Colonel Stevenson ordered Lieutenant George Stoneman³² of the First Dragoons to the Cajon. The caravan was allowed to leave without being required to pay any duty, but the traders were warned that upon all future imports by land "a duty equal to that charged on goods imported by sea" would be charged unless otherwise ordered by the Treasury Department.³³

Also, in accordance with a practice of long standing, the civil authorities took measures to see that no illegally acquired horses or mules were spirited out of the country in the herds of the caravan. First Alcalde Stephen C. Foster of Los Angeles directed twenty men to accompany the "proper authorities" to the customary examination of the animals of the New Mexicans. After the inspection, which was to take place as the traders "went out," the men were to accompany the caravan for "some distance on the road." For the use of this party of citizens, 400 cartridges were sent to Lieutenant Stoneman to be issued as the patrolling force rode out from the Cajon into the desert.³⁴

The departure of the New Mexicans was described by Lieutenant Stoneman. On April 31 he reported from Los Angeles to the Commander of the Southern District as follows:

31. Vejil [sic] y Juan Ygno Morsine [Martinez?] al Alcalde Pº y Juez de 1ª Instancia, Los Angeles, April 3, 1848, in "Departmental State Papers, Angeles" (MSS in the Bancroft Library), VIII, 77.

32. George Stoneman, a native of New York, a graduate of the United States Military Academy, and at this time a second lieutenant in the 1st Dragoons. For more details see Heitman, *op. cit.*, I, 930.

33. Stevenson to Mason, Los Angeles, May 3, 1848, in A. G. O., 10th Mil. Dept., Misc. Letters and Orders File. As a further precaution against a repetition of the misunderstandings which marked the arrival of the caravan, Mason sent a letter by Kit Carson to the commanding officer at Santa Fé, warning him that it was not prudent to allow such large bodies of men to enter California and stating that in the future a tariff would be exacted upon all imports from New Mexico. [Mason] to Commanding Officer at Santa Fé, Monterey, April —, 1848, in A. G. O., 10th Mil. Dept., "Letter Book, February-May, 1848," pp. 50-51.

34. Foster to Mason, Santa Barbara, April 20, 1848, in A. G. O., 10th Mil. Dept., Misc. Letters and Orders File.

Sir,

Agreeable to instructions, I have the honor to report the following facts and circumstances, in regard to the performance of the duties assigned to me at the "pass" in the mountains called the "Cajon"—

Agreeable to orders S. no 23, dated South. M. Dist. Cal. March 24th 1848, I repaired to the "pass," and relieved [*sic*] Lieut C. Carson in the duties at that place—³⁵

On the second of April I received an order from Capt. Smith³⁶ to repair to this "Post"—in order to perform the duties of Judge Advocate of a Military Commission, to convene on the 3rd March [April]. This duty detained me 12 days—at the expiration of which time, I returned to the "pass." On the morning of the 23rd March [April], the sentinal, whom I kept posted on the top of a high Hill—overlooking the country, gave information that several bands of animals were approaching, when I immediately sent a Corporal and Four Men up the "pass" about six miles, to a very narrow place, with orders not to permit a man or beast to pass, without permission from me—on the 23rd an American by the name of Goodyear³⁷ arrived, with 231 animals & 4 men—the animals I inspected and by authority gave him a passport—to pass out—The next day I inspected the drove of Horses belonging to a Frenchman by the name of Le Tard [?]³⁷—he had 225 animals and 3 men with him—received a passport and went out.

On the 25th I began to inspect the animals belonging to the New Mexicans, and finished on the

35. This notation throws new light upon Carson's activities during the winter of 1847-1848, as Carson himself merely states that he was stationed at the Tejon Pass during a part of this period. Christopher Carson, *Kit Carson's Own Story of His Life as Dictated to Col. and Mrs. D. C. Peters about 1856-57*, edited by Blanche C. Grant (Taos, N. M., 1926), p. 87.

36. Andrew Jackson Smith, captain, 1st U. S. Dragoons.

37. Miles Goodyear, well-known mountain man, who, with his brother Andrew, was embarking on one of the most remarkable horse-trading ventures ever recorded. These animals were driven to Missouri. No profitable market being found there, Goodyear turned about and, in 1849, brought them back to California, where the Gold Rush had created a demand for horses. It is said that the mountaineer made a profit on the venture. See Charles Kelly and Maurice L. Howe, *Miles Goodyear, First Citizen of Utah, Trapper, Trader and California Pioneer* (Salt Lake City: privately printed for the authors by the Western Printing Company, 1937), pp. 96-109.

26th—The party consisted of 209 men, and one woman—having with them 4628 animals—I took from the American one mare—not legally vented—and from the New Mexicans, 33 animals with the brand of San Bonaventura [*sic*], 2 Government Horses, and 10 not legally vented—on the 27th the New Mexicans began to go out, and I in order to arrive at this Post in time for muster, was compelled to leave on the 28th, arriving here on the 29th. A party, under the command of Ricardo Bejar,³⁸ and organized by order of the alcalde at Los Angeles, was left to follow the New Mexicans on the road, for the purpose of preventing any irregular proceedings.³⁹

With pardonable pride, Colonel Stevenson reported the results of the supervision of the homeward bound traders. "I believe this is the first time in the History of California," he wrote to Governor Mason, "that a Mexican caravan has departed, without taking with them a large amount of stolen animals—not one passed out with them on this occasion—and as they will be followed twenty days by a party of 20 Mounted Californians and two Juezs [*sic*] de Campo's, who are ordered to prohibit all trade with the Indians, 'tis not probable the people of the Country will loose [*sic*] an animal."⁴⁰

On May 4, Kit Carson, with Lieutenant George Douglas Brewerton and a small party of men, left the vicinity of Los Angeles for the United States. The first link of their journey was over the Old Spanish Trail, and after about eight days of travel in the desert they overtook the New Mexican caravan. Brewerton has left a lively and well-known description of the motley cavalcade and of the man-

38. Ricardo Véjar, a *ranchero* of the Los Angeles area. See Bancroft, *History of California*, V, 761.

39. A. G. O., 10th Mil. Dept., Misc. Letters and Orders File.

40. Stevenson to Mason, Los Angeles, May 3, 1848, in A. G. O., 10th Mil. Dept., Misc. Letters and Orders File. On May 16, 1848, Stevenson wrote to Mason from Los Angeles, reporting that the twenty men charged with following the New Mexicans had performed that duty "most faithfully," had returned their arms to Alcalde Foster, and had returned to their homes "some days since." A. G. O., 10th Mil. Dept., Misc. Letters and Orders File.

ner in which the traders pitched their nightly camp. After sojourning near the New Mexicans for a night, Carson and his party pushed ahead. History seems to provide no further glimpse of the merchants and their *caballada*.⁴¹

With the disappearance of the caravan of 1847-1848 into the desert stretches of the Old Spanish Trail, the story of the New Mexican commerce between Santa Fé and Los Angeles comes to an end. If the number of horses and mules collected is a reliable index, the trade of this last year must have been one of the most prosperous in the history of the traffic, but forces beyond the control of the simple merchants of Santa Fé took away their livelihood at the moment when it seems to have been most remunerative.

41. George Douglas Brewerton, "A Ride with Kit Carson," in *Harper's New Monthly Magazine*, VII (August, 1853), 306-334. Brewerton's entire account of his journey to the United States, first published in various numbers of *Harper's*, has been edited by Stallo Vinton and published in book form under the title *Overland with Kit Carson: a Narrative of the Old Spanish Trail in '48* (New York and Chicago: A. L. Burt Company, 1930).

THE GOVERNMENT AND THE NAVAHO, 1883-1888

By FRANK D. REEVE

THE dismissal of Galen Eastman¹ as Navaho agent, after a hectic career, was foreseen by interested parties who early sought the appointment. The prize fell to D. M. Riordan, a California politician and Civil War veteran residing in Arizona at the time for reasons of health, who became interested in reports of mineral wealth in the Navaho country and sought the job as agent. Eastman had reported that "Some excitement has occurred within the past three months, growing out of prospecting and finding of mines in the almost unexplored country lying northwest of this reservation. . . ."² The future agent was representative of this excitement, partly in his own behalf and partly in the interest of Governor F. A. Tritle of Arizona. "I would like to get the place. Not as an end but as a means," Riordan wrote; that is, to "have unrivalled facilities for seeing them [mining discoveries] but I don't want to express those reasons in Washington, for obvious reasons."³

Fortunately,

Comrade Riordan's political record is clean & he has always been a good worker. He was a member of the 4th Congl. Dist. Com. during the last presidential campaign & was nominated for the Assembly of Cal. but declined in favor of Jos.

1. See Frank D. Reeve, "The Government and the Navaho, 1878-1883," *New Mexico Historical Review*, XVI, No. 3 (July 1941). For the period 1846-1858, see *ibid.*, XIV, No. 1 (Jan. 1939). A study of the longer period 1858-1880 may be found in four installments in *ibid.*, vols. XII-XIII.

2. *Annual Report*, 9/1/82, 47 cong., 2 sess., hse. ex. doc. 1, p. 189 (2100).

3. Riordan to Chas. H. Fish (of San Francisco), 5/4/82, Appointment Division 209, 343/82 (a special file of confidential correspondence; hereafter abbreviated to AD, but not to be confused with AD in parenthesis which refers to a letter book).

All footnote citations are to documents in the National Archives, Office of Indian Affairs, unless otherwise noted. Outgoing correspondence is copied in Letter Books, hereafter abbreviated to LB, and divided into categories: Civilization (C), Land Division (LD), etc. Incoming correspondence is numbered and will be cited by number and year; for instance, Number 343, 1882, or 343/82.

Wasson in order to save Mono Co to the Republicans.⁴

He had also "put up his money like a man."⁵

In spite of his political antecedents and Machiavellian approach in securing his new position, Riordan had honorable intentions toward the Navaho, and was

prepared to sleep on the ground, go on mutton "straight" if necessary, in fact do whatever the occasion demands in order to make myself efficient in this position, providing I can secure the sanction and coöperation of the Dept as long as I do right.⁶

Before undertaking to "sleep on the ground" it was necessary to assume formal charge of the agency. This was done on December 31, 1882, with considerable unpleasantness and a resulting low opinion of Eastman:

this inert mass of gainlous obstinancy that has been acting as agent here has harrassed and baffled me continually. I am determined to get the examination done and receipts rendered by 12 Oclock tonight or something will have to give. Such a mess as it all is! and such management is sickening.⁷

And the management, Riordan wrote, was tainted with dishonesty:

"Fixing the papers" is not in my opinion the way to account for missing govt property, and I have used very plain language in telling Eastman so during this transfer.

I believe that every Govt employe who was in the agency at the time I came here was an accomplice of Galen Eastman in robbing this Government, and I know I did not discover a tithe of it. And I say this too whether it costs me this position

4. C. Mason Kinne to Hon. Jno. F. Miller, San Francisco, Calif., 5/13/82, *ibid.*

5. E. B. Jerome to Gen. Jno. F. Miller, San Francisco, Calif., 5/10/82, *Ibid.*

6. Riordan to Price, 12/21/82, 23443/82.

7. Riordan to Price, 12/30/82, 637/83. Appointment Division 209, 22/83.

or not. I would respectfully ask you, sir, to make an entire change in simple justice to all concerned.⁸

"An entire change," however, could not be very sweeping. The appropriation act for the year ending June 30, 1883, reduced the agency employees to one farmer from an average of seven for previous years. This gave rise to one of Riordan's chief complaints, *namely*, the lack of help:

I have had to go after red horse-thieves and white; to remove unlawful traders from the reserve; to recover stolen stock; to chase criminals; and to do it all myself—be agent, clerk, chief of police and entire force, hostler, courier, everything, to be able to cope with, single-handed, and to wisely treat all the questions arising between 17,000 Indians and their white neighbors. . . .⁹

J. R. Sutherland, agency physician, who had already lost the confidence of the Indians, was discharged on April 30, 1883. His successor, G. P. Sampson, was appointed a week later at a salary of \$1,000.¹⁰

The first thing Riordan did after taking charge of the agency was to call a council of Navaho as requested by Ganado Mucho and other chiefs. They had already accused "The tarantula" (Eastman) of showing favoritism in the distribution of goods, of giving inferior goods, and of being niggardly with tobacco. "It has been dark so long, so very long," Ganado Mucho said, but now they hoped for better times. Their appeal met with a sympathetic response from Riordan, but not without some misgiving on his part as to the wisdom of his course:

8. Riordan to Price, 1/9/83, 1038/83.

A visitor at the agency said to Riordan, "I do not know you sir, but I feel it is not out of place to say this much. Nothing I have seen in sixteen years of quite intimate connection with the Indian question has at all equalled the Chaotic and antagonistic conditions of things among the Navajoes and at the Agency as it was brought before me during the four days I was there." Riordan to Teller, 1/22/83, 2051/83.

9. Riordan, *Annual Report*, 8/14/83, 48 cong., 1 sess., hse. ex. doc. 1, p. 179 (2191).

10. Riordan to Teller, 1/22/83, 2051/83, and Riordan to Price, 1/23/83, 2145/83, 49, p. 271 (AD).

My methods may not seem the wisest to one at a distance, but I am satisfied no one with a heart in his breast could see the eager, intelligent, impassioned faces of these people and hear their expressions without being convinced that they were at least entitled to a hearing and in their own way.¹¹

The council was held January 19, with Ganado Mucho and Manuelito the principal speakers for the tribesmen. They demanded the dismissal of Sutherland, the agency physician, whom they called "tarantula no. 2"; the post-trader was accused of being a tool of Eastman and should be removed; they requested a few supplies for the aged and infirm, and an addition to the reservation on the northwest and northeast. Riordan was sympathetic toward them and promised that they should receive all goods that the government supplied and that he would visit them.¹² In addition, as a part of his "methods," he asked for a few supplies for the benefit of visitors: "Occasionally some sick or aged Indian comes in and asks for a little sugar and coffee to make a warm stimulating drink. They are entitled to it and ought to have it." This request was hardly in keeping with the economy plan of the government, and Riordan experienced his first disillusionment over his new work:

There isn't today as much available means at my disposal to do this much-needed work as is in the hands of a corporal in the army. I am not going to sit down however. I am going to do what I can, of myself . . . I have made up my mind I'll just have to do it myself in the interests of humanity, and call the expenses a dead loss.¹³

And a "deadloss" they were, as he believed later, but meanwhile he dealt to the best of his ability with the

11. Riordan to Price, 12/28/82, 451/83.

12. Riordan to Teller, 1/22/83, 2051/83.

13. Riordan to Price, 2/7/83, 2829/83. Riordan to Teller, 1/22/83, 2051/83. Riordan to Price, 1/20/83, 2050/83.

Either at this council or later the commissioner authorized the expenditure of \$57.00 for tobacco with the admonition that "hereafter under no circumstances, will a similar expenditure be approved." LB 93, p. 102 (pt. 1, F)

problems of law and order, liquor, and whether or not the Indians could or should live within the boundaries of their reservation.

Several complaints of Navaho stealing were received from settlers along the southern side of the reservation, accompanied with threats of direct action if conditions did not change. During February and March Riordan made six trips through the Indian country rounding up stolen stock and investigating complaints of various sorts. He met with some success, but also with much disappointment at the lack of means for carrying on the work. He collected thirty-three horses and 400 sheep, stolen or estray. "My efforts," he wrote, "have fallen short, far short of producing the result they might have done if the Govt had backed me up, but I have no reason to be ashamed of the showing."¹⁴

Far to the south, a number of Navaho were rounded up and brought to the reservation. One old man had purchased 160 acres at Alamosita for farming and his home had developed into a rendezvous for mischief-making relatives.¹⁵ In the north a more serious problem was presented. A certain Tracy had been murdered by a Navaho and the culprit fled toward the Cañon de Chelly. Receiving information that tribesmen might resist any attempt at an arrest, Riordan requested aid from the commander of Fort Wingate. "From all I can gather," he wrote, "over fifty men have gone into that section—and they never came back. I came very near staying there myself two years ago. I know them."¹⁶ This personal experience did not daunt him, however, and when Colonel Bradley failed to support him promptly with soldiers in sufficient number, he pushed on ahead of his small detachment with an interpreter and brought the quarry out: "We started off at once to get him

14. Riordan to Price, 4/10/83, 6904/83. For complaints of Navaho stealing see 1514/83, 2771/83, 15747/83, 5617/83.

"Not one of the men who got their horses back has even said 'Riordan take a smoke.'" Riordan to Editor, 4/26/83, *The Morning Journal*, 4/29/83.

15. Henry Connelly to Commanding Officer 2/19/83, 4426/83. Riordan to Price, 4/23/83, 7934/83.

16. Riordan to Commissioner, 9/3/83, 16648/83.

out of the cañon as it is a perfect nest of the worst element in the tribe and a harbor of refuge for thieves and murderers."¹⁷

On the exciting trip to the Cañon de Chelly Riordan also accomplished something in regard to the problems of Navaho slaves that had early attracted his interest. He estimated that there were about 300 of them. In the spring, Francisco Capitan, a chief in the northern part of the reservation, had killed one of his slaves, a fourth generation Moqui boy descended from a Moqui girl purchased for some corn. Riordan had forced the release of others held in the same band.

One old villain wanted to know "who was to take care of him if his slaves were taken away from him?" I shut him up by telling him "I would take care of him and the whole band if they were not set free."¹⁸

During the trip after the murderer, Francisco Capitan delivered six more to the agent. Riordan's efforts to solve this problem were not so successful; the slaves returned to their former masters, and not without reason.¹⁹

With scarcely time to rest from his fifteen day trip to the north, Riordan hastened to Navajo Springs, southwest of the reservation, to arrest C. P. Owen, alleged murderer of an Indian boy. The fugitive was arrested in the home of J. D. Houck, some distance away, and taken to Fort Wingate. Those two men had an unsavory reputation among the Navaho; "I saw over twenty five Indians who have been shot at by them during the past year or two," so

17. Riordan to Commissioner, 9/16/83, 17513/83.

Bradley was slow in supporting Riordan; he reasoned that it was hardly worthwhile to endanger peace with the Navaho "for a small evil, that will probably correct itself in a little time." Bradley to AG, 9/4/83, 19170/83.

See also 16886/83, 16933/83, 19037/83, and Bradley to AG, 9/20/83, AGO (Adjutant General's Office, Old Records division), LR (Letters Received, New Mexico File), 3315/83 letter number 3315 for the year 1883.

18. Riordan to Price, 5/5/83, 8675/83.

19. Bowman to Commissioner, 8/1/84, 14974/84.

Riordan reported.²⁰ These episodes, only of passing interest in themselves, lent weight to the argument that a police force should be organized among the Indians to maintain law and order on the reservation.

A police force had been organized back in the days of Agent Army, but had soon been dismissed after accomplishing some useful work. Instructions had been issued to Agent Eastman to organize another force, but nothing had been done about it. Riordan early requested and was given authority to enlist a troop of thirteen at a rate of pay of \$8 per month for captains and \$5 for privates, in keeping with provisions of the Indian Appropriation Act of May 27, 1878.²¹ Riordan claimed that "Nothing is more certain than that no reliable Navajo can be hired for less than fifteen dollars a month and rations, or its equivalent."²² The "equivalent" seemed to be an expanding concept. After agreeing to fifteen dollars pay per month, the commissioner was then advised that rations, arms, clothing, forage, etc. must be furnished. The force was finally organized late in the year, but whether or not all their desires were met with is not known.²³ Henry Dodge, "intelligent and fearless, faithful to a trust and a staunch friend. . .," was appointed acting chief at a salary of \$600 per year.²⁴

The new guardians of Navaho behavior were soon given an assignment. Complaints had been received through the military at Fort Wingate of Indians roving beyond the eastern border of the reservation, so in December a detach-

20. Riordan to Commissioner, 9/21/83, 17829/83.

A Federal judge turned Owens over to the territorial officials on the ground that the killing had taken place off the Navaho reservation, and he was sent to Apache County, Arizona, where Riordan believed that "no conviction will follow. In fact I do not believe the man will ever be tried." Riordan to Commissioner, 9/27/83, 18192/83.

21. Commissioner Indian Affairs, *Annual Report*, 10/15/84, 48 cong. 2 sess. hse. ex. doc. 1, p. 12f (2287). Price to Riordan 3/15/83, LB 184, p. 414. U. S. S. L., XX, 86.

22. Riordan to Commissioner, 8/16/83, 15635/83.

23. Riordan to General D. S. Stanley, 12/12/83, AGO, LR, 4491/83. Also 19869/83, 6081/83.

24. Riordan to Commissioner, 10/16/83, 19370/83. Price to Riordan, 3/8/84, LB 56, p. 131. (pt. 2, F).

ment of five scouts was despatched to bring them back to their official home.

The persons complaining are stock men grazing their herds on the unsurveyed lands of the public domain and reaping benefits they are not entitled to as industriously and persistently as the Indians of whom they complain.²⁵

Such complaints, of course, were more or less chronic, but served to keep alive the old question of whether or not the Navaho could be self-supporting within the boundaries of their reservation. Shortly after assuming charge at Fort Defiance, Riordan had advised the Indian Office that "I do not know of a single available place today where I could put a family or a band if I had to."²⁶ And yet he tried to force them onto the reservation just as his predecessor had attempted to do.

A particularly troublesome spot for white-Navaho conflict over land was in the valley of the Rio Puerco of the West. Matters became so serious around Tanner Springs that the agent finally ordered the Indians to move onto the reservation after harvest time. Their leader, Toh-yel-te, argued most of one night that he would die rather than move, but Riordan simply told him to move or get ready to die.²⁷ Not without feeling, however, did the agent assume such an attitude, as demonstrated in the case of Nash-gal-li who owned a spring off the reservation about five miles from Manuelito. The railroad company wanted the spring, which happened to be on their right-of-way. And what was the answer to the problem? Riordan believed that

These people have feelings and they have rights. Of course the settling up of this section,

25. Riordan to Commissioner, 12/12/83, 23226/83. Also 23229/83.

"I believe the military once ran a portion of the East line, but the marks, if ever any were placed, have entirely disappeared." Price to Secretary of Interior, 3/14/84, LB 47, p. 591.

Price recommended a special appropriation of money for a new survey of the reservation line, accepting the view that the Indians must move onto the reservation because of the railroad and the influx of settlers.

26. Riordan to Price, 2/14/83, 3611/83.

27. Riordan to Commissioner, 8/31/83, 16394/83. Also 11622/83, 23490/83.

especially the fertile spots that have been taken away from the Indians cannot be retarded for any consideration of right and wrong. At least it is safe to assume that it will not be. But we, as the dominant race, will be false to ourselves if we fail to provide, by suitable additions to the reservations, a place on which these people may live in peace and graze their herds and raise their families.²⁸

The commissioner refused to consider another boundary extension, but some slight measures were taken to improve the economic condition of the Indians. The agency farm at Fort Defiance was given up on the plea of lack of proper tools and that government farms on the reservation were not to the best interest of the people. The land was subdivided among the Indians and about \$7,250 was expended to construct an irrigation ditch, and additional sums were spent on repairing the dam that had been recently damaged by flood waters.²⁹ These activities could only benefit a few Indians at the best, but a broader project was undertaken with the allotment of \$2,000 to erect a sheepcote in preparation for providing a better strain of sheep to improve the Navaho flocks. This would make possible their reduction in number for conservation of the range. The evil of the excess number of unused ponies, the Navaho's basis of wealth, was stressed by the agent, but little could be done about it.³⁰

28. Riordan to Price, 2/14/83, 3611/83.

The Navaho could prove up on his claim if located prior to the date of the A. & P. R.R. grant of March 12, 1872. Price to Riordan, 3/6/83, LB 180, p. 534.

"The government will promise protection to settlers and after every dollar they have invested, will leave them to the tender mercies of the Navajo, the warped judgment and prejudice of the eastern bred Indian agents, and the overbearing ease-loving disposition of the army officer. . . . our right to 'life, liberty and the pursuit of happiness' is a myth under the beneficial misrule of the powers and conditions that be."

"At present they overrun, and virtually ruin for all purposes of settlement, sixty townships south and forty on the east side of their reservation." C. W. to Editor, *The Albuquerque Morning Journal*, 2/10/84.

29. Riordan, *Annual Report*, 8/14/83, 48 cong., 1 sess., hse. ex. doc. 1, p. 180 (2191). LB 86, p. 91 (pt. 2, F); LB 91, p. 114 (pt. 2, F); LB 96, p. 243 (pt. 1, F); LB 99, pp. 150, 248 (pt. 2, F); LB 101, p. 56 (pt. 1, F).

30. Price to Riordan, 10/12/83, LB 91, p. 243 (pt. 2 F.). Riordan, *Annual Report*, *ibid*, p. 180.

Another approach to the problem lay in connection with traders dealing in Indian goods, an activity shrouded in much "surmises, jealousies, conjectures." In June, 1883, E. S. Merritt and others of Winslow, Arizona, addressed a letter to the president requesting protection for the Navaho against "the rapacity of the Indian traders." "I have to reply," the commissioner wrote, "that you furnish the first complaint to this office that the Indians, of the section to which you refer, (Northern Arizona) 'are receiving less than a fair price (from licensed traders) for their surplus wool and this in goods at from 100 to 200% profit.'" Mr. Merritt did not answer the challenge to furnish a formal complaint, but pointed an accusing finger at Keam who

robs both the Indian & the Government at both ends alike. *Mr. Hyatt* we are informed sells goods very *low*; & no complaints are made against him.

The Indian make the complaints, & have like the white men of the country found out that they get nothing from Keams either for their money or their products—6c is what he paid for wool in goods at his own prices—the poor Indians getting a *store ticket*—equivalent to nothing elsewhere.³¹

At that time there were two traders located at Fort Defiance, Thomas V. Keam and Ben F. Hyatt. When the reservation had been extended in 1880, Keam had left Fort Defiance and relocated off the reservation about seventy-five miles to the west at a spot that came to be called Keam's Canyon. With the removal of agent Eastman, Keam had promptly visited Riordan at Fort Defiance, probably for the purpose of securing a license to reopen a trading post there. Eastman had accused Riordan of being a tool of

31. Merritt to Commissioner, 6/12/83, 11052/83. Commissioner to Merritt, 5/25/83, LB 39, p. 405 (pt. 2, Civ.).

"The use of tokens, tickets, store orders, or credit of any kind, will not be permitted. The Indians must be paid in cash for what they have to sell." Hayt to Agents, Circular No. 37, 12/1/79, LB 154, p. 124.

A decade later the wool was paid for only in "trader's goods" and bought at 4c to 6c per lb; "This seems wrong, but I have no remedy to suggest." Welton to Commissioner, 6/17/88, 15959/88.

this trader, but that seems to have been a false assumption, because the new agent believed in a multiplicity of traders in order to assure fair prices for the Indians. If Riordan had close connection with Keam, whom he did know personally, he logically should have tried to promote his friend's interests, but on the contrary adopted the above attitude that was hardly compatible with such a purpose. Neither Keam nor Hyatt spent much time at their posts, but left the business to be conducted by clerks, a policy that Riordan did not favor. In December of 1883, Keam relinquished his license to trade at Fort Defiance and Walter R. Fales, clerk in charge, bought out the stock and continued the business on his own account the following spring.³²

Whether or not Merritt's criticism of Keam had any bearing on his quitting business at Fort Defiance can only be guessed at, but the commendation of Hyatt was not entirely justified. The commissioner had promptly requested Riordan's opinion about Hyatt as a proper person to hold a trader's license; the agent, in reply, was rather non-committal:

I said that, because I believe any one is an improper one to be stationed here whose presence tends to foster antagonisms and dissensions; and there is no telling where they will end. That is all I have to say.³³

The dissension referred to probably arose from scanty stocks, which the Indians complained about, and high prices. In the fall of 1884 the rent for quarters occupied by Hyatt was fixed at \$30 per month by the commissioner, a figure considerably lower than that recommended by an Indian service inspector or by Riordan, and was intended to eliminate one possible excuse for high prices.³⁴ Hyatt had previously increased his stock of goods, but the Indians were

32. 4892/83, 12502/83, 23588/83, 22813/83, 329/84, 10817/84; LB 173, p. 314; LB 181, p. 20.

33. Riordan to Commissioner, 7/7/83, 12900/83.

34. Price to Riordan, 1/17/84, LB 55, p. 240 (pt. 1, AD). Price to Hyatt, 1/24/84, *ibid.*, p. 440.

not satisfied and he momentarily considered withdrawing from business in the summer of 1884, revealing at the time other motives for his action :

By despatches before me bearing date of June 19 & 21 from Mr. Vance, who has been attending to the recommending of my app. for renewal of license (having furnished at the start the endorsement of the leading business & Professional men of Findlay, Ohio (my home)—and will cheerfully do so again as to Character & qualifications) saying "Cant recommend renewal under the circumstances"—2nd despatch "Must have Six hundred dollars at once and partnership contract or will not renew." Am very sorry to have to bring such matters to your notice but justice to my friends & myself compel me to—Mr V——has been well paid in years gone by. I can truthfully say that in the three years that I have been here, I have not made \$4,000.00 the trade is not what it was before the advent of Railroads.

I do not mention the Vance matter in a spirit of malice, but simply to bring to your notice the manner in which my renewal can be had. I do not wish the office of trader if its a marketable one.³⁵

Nor did Riordan want *his* "office" any longer. The lack of sufficient help and money to carry on the work, and unsatisfactory living conditions at Fort Defiance, were very discouraging. The failure of the department to honor expense vouchers in the spring of 1883 crystallized his dissatisfaction and he tendered his resignation in June. In his annual report for that year he wrote a blistering description of his difficulties :

It would require the descriptive powers of a Scott or a Dickens to portray the wretched condition of affairs at this agency in language such as

35. Hyatt to Price, 6/24/84, 12275/84.

In 1883 Mr. Hyatt bought up to June 21

63,000 lbs wool

For the same period in 1884

6,000 lbs wool

See also 10287/84, and 16716/84 for reports of Navahos' objection to Hyatt.

to present a faithful picture of it to the mind of one who never saw it.

The United States government has never fulfilled its treaty promises and "It is safe to assume that it never will." The Government provides little aid

for the sick, indigent, and helpless Indians, the agent being compelled to see them suffer under his eyes and to close his ears to their requests, or else supply the much-needed articles at his own expense.

How any man could turn a deaf ear to the sufferings I witnessed here last winter—to the cries of hungry women and children whose only support had perished (the sheep), owing to the severity of the winter, and who were thus deprived of all means of livelihood—puzzles me.

In a word, the agent and employes who were to lift up these people to a higher plane, to carry out the civilizing policy of the Government, were expected to live in a lot of abandoned adobe huts, condemned by special, regular, and annual reports as unfit to live in fifteen years ago, condemned by every one who has ever seen them since, and repeatedly damned by all who have been compelled to occupy them. They are full of vermin and utterly unfit for human habitation. I have had to tie my children in chairs to keep them out of the water, on the floors, in midwinter. I have seen my wife, a delicate lady, and who was at that time nursing a baby, walking around with wet feet on the floors of the agent's palatial quarters in a freezing atmosphere, and there wasn't a dry room or a warm room in the house. I have seen as soon as the weather began to moderate, the snakes come out of the walls of those same palatial quarters. You wonder we *kick*. . . . Why don't the Government give an agent here as good a shelter as it gives a mule at Fort Wingate?³⁶

36. *Annual Report*, 8/14/83, 48 cong., 1 sess., hse. ex. doc. 1, p. 177 (2191).

Riordan's salary was reduced from \$2,000 to \$1,500 in 1883 and he claimed to have spent \$800 of his own money in carrying out his duties, etc.

His interest in mining has not appeared in the records since his appointment. Instructions: "that I am entitled to 'an allowance of actual and necessary

The answer to the last question was not given immediately, nor was Riordan's resignation accepted. Two special investigators were sent to Fort Defiance in August, 1883, one of whom remained for about six weeks and helped Riordan in the routine work. A slight flareup of charges and denials of mismanagement and corruption at the agency occurred, reminiscent of the days of Agent Eastman, but soon disappeared under the tempering influence of time.³⁷ Riordan carried on with his work, but looked at it more through the eyes of a realist. He was disillusioned about improving the lot of the Navaho, and pessimistic about the future policy of the government: "One thing is certain, as far as the General Government is concerned, the past wrongs of the Navajos will not be righted."³⁸ Finally, in April, 1884, he tendered his resignation and it was accepted, effective when a successor had qualified. Meanwhile he was granted a so-called leave of absence for the last sixty days, beginning on April 20th. The Navaho were reluctant to lose their agent and agreed in council to supplement his salary by \$1,000 as an inducement for him to remain. "Much was said . . . the regret being universal and very feelingly expressed. . . . Any man might well be proud of the evidence of respect, confidence, and affection shown by the Indians toward the retiring Agent."³⁹ He later tried to withdraw his resignation, but the usual scramble of applicants for the

travelling expenses incurred in the discharge of official duty' I was green enough to think that meant something; and greener still to think that I was supposed to know anything about what was 'actual and necessary.' If I had had more experience in Government word I would have read, (between the lines, and before the words 'actual and necessary,') the modification, 'what a man twenty five hundred miles off, who knows nothing whatever of the circumstances, may think is'—actual, etc." Field work is essential! Riordan to Commissioner, 5/31/83, 10332/83.

"I have had faith enough in 'Boston philanthropy' to give agent Riordan \$250, and to undertake to double that amount, raising the entire \$500 among friends in the fall, to enable him to fit up his quarters so that he can live decently and have his family with him." General S. C. Armstrong in *The Morning Journal*, 9/25/83. See Armstrong to Price, 8/24/83, 16992/83.

37. 16992/83, 16081/83, 19942/83, 18446/83, 18447/83, and 18574/83.

38. Riordan to Stanley, 12/10/83, AGO, LR, 4261/83.

39. S. E. Marshall to Commissioner, 4/21/84, and 4/22/84, AD 209, 518/83. Riordan to Commissioner, 4/8/84, *ibid.*, Teller to Riordan, 4/17/84, 7566/84.

position had set in, and the prize went to ex-sheriff John H. Bowman of Gunnison county, Colorado.

Despite the petition of thirty-three persons who lived near the reservation that a man be appointed who was experienced in Indian ways and familiar with the Navaho country, the new agent was selected for political reasons with the backing of James B. Belford of Denver, Colorado. It was through Bowman's efforts that Colorado "was secured to the Republicans two years ago. He is eminently qualified and deserving."⁴⁰

Bowman assumed charge of the agency June 30, 1884. The responsibilities and problems of the office did not differ from those of his predecessors. White men were competing for the Navaho trade, conflicts continued, to occur over land and water rights, liquor was available, and an occasional act of violence was committed. In the last category an immediate problem was inherited from Riordan in the murder of Walcott and McNally, who had been prospecting in the Navajo Mountain country, near the Utah-Arizona boundary. The suspected culprits were Osh-ka-ni-ne's gang, known to Riordan from experience as being dangerous:

I was corralled by them, there being but myself and another white man. They debated several hours as to whether they should kill us or not. We barely escaped.⁴¹

Bowman was a man of action, and issued a ten day ultimatum to the murderers to surrender or the Navaho scouts would be put on their trail. A threat of force would hardly convince an Indian, or a white man for that matter, to voluntarily accept the ministration of the law, but three of the suspects were captured in July. The following month Bowman accompanied a force of ten scouts and forty soldiers toward the Navajo Mountain country, but failed to apprehend any one else. The remains of Walcott were

40. I. W. Stanton to Teller, 4/17/84, AD 209, 173/84. James B. Belford to Atkins, 3/27/85, AD 253 and AD 209, 289/84.

41. Riordan to Commissioner, 4/19/84, 8228/84.

brought in and buried at Fort Wingate; only the murderers knew the whereabouts of the other victim.⁴²

The three Navaho were imprisoned at Fort Wingate. Since the killing had occurred in Arizona, the governor of that territory issued a requisition on the governor of New Mexico and the defendants were turned over to the sheriff of Apache county. One was admitted to bail in the sum of \$500 and presumably not tried, a second escaped, and the third one, after escape and recapture was set free on the refusal of the grand jury to bring in a bill of indictment.⁴³

On the northern boundary of the reservation, and on the southern, on the east and the west, the slowly increasing white population made inevitable further conflicts between the two races. "Every mail which comes here contains complaints of petty difficulties from the white settlers of the vicinity," Bowman wrote; "the conflict of races is growing more intense."⁴⁴ A Navaho was killed at Mitchell's ranch, near the four-corners, in the spring of 1885, and another one came away with a finger paralyzed by a blow from the rancher, who "was no good whatever" in the eyes of the Indians.⁴⁵

The Zuñi to the south complained of Navaho trespassing on their lands, and Bowman sent a representative to settle that matter. In the spring of 1885, the Zuñi appealed to higher authority; a petition was sent to President Cleveland asking for relief from Navaho intrusions, and also from white homesteaders.⁴⁶ Incidentally, the

42. 12891/84, 13406/84, 14012/84, 15305/84, 16371/84, 18284/84.

"Mr. Bowman is a cool-headed, brave, accommodating gentleman." Lieutenant H. P. Kingsbury to Post Adjutant, Fort Wingate, 9/1/84, 18284/84.

Ganado Mucho was willing to cooperate, but was suspicious of the white man's justice because of failure to keep troublesome whites under control. His action, at least, indicated a growing sense of the necessity of preserving law and order among the Navaho. Marshall to Commissioner, 5/8/84, 9313/84.

43. 2385/85, 3146/85, 15296/84. AGO, LR 3411/84. LB 159, p. 250 (LD).

44. Bowman to Commissioner, 10/16/84, 20340/84.

45. Herbert Welsh, *Report of a visit to the Navajo*. . . . The Indian Rights Association, Philadelphia, 1885, p. 23f. AGO, LR 3039/85.

46. Bowman to Pedro Sanchez (Agent at Santa Fé), 2/14/85, AGO, LR 640/85. Yaqui (Governor of Zuñi), *Petition to Grover Cleveland*, 3/28/85, 7459/85.

And a Navaho killed a Zuñi in a dispute over a trading deal. 8957/85, 9566/85.

Cebolla Cattle Ranch owners hoped to benefit from this protest.

In the Datil Mountain country, wandering Navaho were accused of stealing stock and frightening women and children. The agent sent notice to his wards to return home and urged Governor Sheldon to use his influence in the matter: "I think the department should take steps to concentrate them in some way, and believe that a recommendation from you to that effect would accomplish the desired result."⁴⁷

Nothing came of this effort, and in the fall of 1885 the settlers petitioned Governor Ross for relief, and he wrote a strong letter to the commissioner with the usual plea that the Indians be confined to their reservation, particularly because he did "not want any more killings of settlers or Indians in this Territory."⁴⁸ The governor was ahead of the times however, in his "want." A Navaho butchered a mired cow in return for the alleged stealing of his horse by some cattlemen, his former employers. The deputy sheriff at Gallup, James Maloney, arrested him for cattle stealing. A band of Indians came to town to rescue their kinsman, some shooting occurred, and the sheriff took refuge at Fort Wingate for two days until the excitement subsided. "So far as I can judge," Lieutenant Colonel Crofton wrote, "the fault is all on the side of the whites."⁴⁹

On the eastern side of the reservation the Navaho ignored the boundary line and grazed their sheep on land owned or coveted by white men. J. M. Freeman of Santa Fé had purchased the Ignacio Chavez land grant for the

47. Bowman to Sheldon, 10/18/84, *New Mexican Review*, 10/21/84. Bowman to Lieut. Col. R. E. A. Crofton, 10/17/84, AGO, LR, 3757/84.

The Navaho get hunting passes "and go over the entire northern slope of the Mogollon range to a distance of a hundred and fifty miles from their reservation." E. R. Carr to Secretary of Interior, 1/6/86, 1939/86. Carr was justice of peace at Winslow, Arizona, and agent for the Waters Cattle Co.

48. E. G. Ross to J. D. C. Atkins, 9/21/85, 22490/85. See also E. R. Carr to Secretary of Interior, 1/6/86, 1939/86.

49. AGO, Post Letter Book No. 3, pp. 116, 118, 119, 121. 24345/85.

"Lippy was the Indian who caused the disturbance last fall, and was known to be one of the most dangerous Indians in the tribe." *Albuquerque Morning Journal*, July 23, 1886.

purpose of restoring its grazing value by non-use and then selling it for a profit. The Navaho were upsetting this plan and the owner's protest brought a reply from the commissioner that could hardly bring him comfort:

It might be well for your correspondent to notify the Indians that their alleged acts of trespass have been made the subject of complaint to the Department, and that it is known that their Agent has given them no such permission as they claim to have received from him; and that it is believed that if it be shown to them that they are trespassing upon lands in violation of the rights of others, they will desist of their own accord.⁵⁰

V. S. Miera was another complainant on similar grounds. He located a ranch around the junction of the Rio Escobada and Chaco Canyon. The Navaho beat up his herders and told Miera "that if he attempted to put up buildings they would burn them down and would drive his men away." Miera apparently held on to his holdings, however, for the time being.⁵¹ C. F. Meyer, another homesteader, made inquiry concerning the legal status of the Indians when off the reservation, and his attention was called to a General Land Office circular of May 31, 1884, wherein the policy was stated,

to preemptorily refuse all entries and filings attempted to be made by others than the Indian occupants upon lands in the possession of Indians who have made improvements of any value whatever thereon.⁵²

The answer was little calculated to aid the settlers since the Navaho herdsman was not interested in the white man's

50. Price to Freeman, 10/19/83, LB 117, p. 490 (LD). Also 17410/83, 13522/83, LB 119, p. 103.

51. *The Albuquerque Morning Journal*, 2/13/84, 5/1/84, and 5/7/84. Miera to Teller, 6/18/84, 13977/84. Bowman to Commissioner, 7/17/84, 13977/84.

52. Price to Meyers, 1/3/85, LB 132, p. 298 (LD). Meyer to Price, 11/23/84, 23165/84.

Trouble on the eastern side occurred again over the selling of whiskey at San Mateo. Bowman was authorized to spend \$200 to suppress the traffic. See 20546/85, 21724/85, 4984/85, 6065/85, and LB 50, p. 479 (pt. 1, C).

conception of a homestead, and improvements ordinarily consisted only of some evidence of seasonal occupation, such as a bit of tilled land, or a brush dwelling.

In the western country a serious charge was made in the summer of 1884, by the United States commissioner, of a Mormon-Navaho coalition for preying on the cattle of the Gentiles and Mexicans. "If the Gentiles do open up hostilities you can safely count on the largest and most complete massacre that ever occurred in the United States, the matter is worked just to this pitch. . . ." On instructions from Washington, Bowman investigated the situation in the course of an extensive trip over the reservation and belittled the seriousness of the charge:

there is no danger of any thing of the kind, no truth in any such rumor the Mormons are thrifty settlers and always manage to be on friendly terms with their Indian neighbors they readily acquire their language, use the Indians well and fairly as a rule, and I believe get along better with the Indians than most of the Gentile settlers. . . .⁵³

A year later the killing of a Navaho by a cowboy occurred at Tanner Spring. The trouble was the outgrowth of a common source of disputes, the possession of a water supply. Bowman rode eighty miles in twenty-two hours to the scene and found about 150 Navaho surrounding and threatening to kill the "occupants of the 'stone house'." After a two day parley the Indians agreed to turn the culprit over to the sheriff. The unfortunate Navaho, a man of some wealth and years, was off the reservation, but the sympathy of the officials was with him:

Don't you think it is time some measures were taken to punish whites who recklessly and without

53. Geo. A. McCarter (United States commissioner) to Robt. T. Lincoln, St. Johns, Arizona Territory, 6/7/84, 12076/84. Bowman to Commissioner, 10/30/84, 21257/84.

Bowman made careful inquiry among Indians and whites, including the sheriff (a Gentile): "I believe it to be only the fears of some very timid, nervous, or designing persons." Bowman to Price, 7/18/84, 14145/84.

McCarter confessed his own prejudice toward Mormons in the above letter.

the slightest provocation take the lives of Navajos? I look upon your Indians as being remarkable for their forbearance. They are certainly greatly the superiors of many of the whites to be met with in this country.⁵⁴

These bits of trouble between the whites and Indians kept alive, of course, the controversy over the size of the reservation. The Navaho wanted an increase; the whites insisted that they be forced onto their reservation, increase or no increase. The commissioner of Indian affairs denied the request for an addition, although favored by Bowman, on the grounds that the Indian right to take up homesteads was sufficient to provide more land for them,⁵⁵ and they must choose one permanent abode.

The homestead plan was hardly feasible. An estimated 8,000 Navaho lived off the reservation; they had little conception of the white man's meaning of a homestead; they clung to their treaty right to hunt off the reservation; and there was insufficient land and water for many miles around the reservation to satisfy the needs of the Indians and the wants of the cattlemen and settlers. Perhaps an NRA (Navaho Recovery Administration) might have solved this problem, but the 1880's were still the age of "rugged individualism," and the Indian was not doing too bad in that respect.

The alternative proposal of forcing the Navaho onto the reservation likewise presented difficulties. The estimated area of 12,749 miles allotted to them sounded large on paper, but its productive capacity was not rated highly; "it would be difficult to find a region of equal size and with an equal population where so large a proportion of the land is so

54. Crofton to Bowman, 11/15/85, AGO, NM, Post Letter Box No. 3, p. 129. See also Bowman to Commissioner, 11/10/85, 27069/85. AGO, NM, LR 3877/85. 26358/85.

A small group of Navaho settled on the Cottonwood Wash, west of Holbrook, were also using water coveted by cattlemen. E. R. Carr to Secretary of Interior, 1/6/86, 1939/86.

55. Bowman to Commissioner, 7/9/84, 13397/84. Price to Bowman, 7/30/84, LB 128, p. 235 (L D). E. L. Stevens to Bowman, 8/11/84, *Ibid.*, p. 369.

nearly worthless."⁵⁶ The commissioner believed that the reservation had reached its productive capacity except in grazing, and advanced the older suggestion that the number of horses be reduced and the quality of sheep improved.⁵⁷ The Navaho, however, were fond of their horses and content with the quality of the sheep.

The economic picture of the Navaho was not so bleak as the chronic clamor might indicate:

The Navajo is by far the most intelligent and thrifty, ready and willing to work, and several have grown rich by their trades of silversmith, blacksmith, or saddler; which they have acquired from their contact with the few whites near them.⁵⁸

In addition to the growing crafts as a source of income, the government was pursuing its policy of encouraging farming, long considered as a prime solution to the problem of economic self-sufficiency, although actual results to date had been slight. In the fall of 1884 Bowman was authorized to spend \$2,500 to develop water resources; presumably the money was mostly spent in building a stone dam at the mouth of Bonito canyon where dirt dams had failed to serve the purpose. The project was completed the following spring and furnished water for about seventy-five

56. Cosmos Mindeleff, "Navaho Houses." *Seventeenth Annual Report*, Bureau of American Ethnology, pt. 2, p. 477 (1898).

Bowman stated: "This reservation is about my ideal of a desert." Quoted in Atkins to Secretary Interior, 12/19/85, 31061/85.

Thomas V. Keam estimated the reservation area at 16,500 sq. mi., with 60,000 acres of farm land, and a population of 17,500. 1623/86.

The agent's census of population in 1885 was 21,000. Atkins, *op. cit.*

57. Atkins to Bowman, 5/26/85, LB 137, p. 117, and 31061/85. Parsons, *Report*, 4/27/86, 12532/86.

Keam estimated the horses at 25,000, cattle 2,500, sheep 650,000, and goats 325,000. 1623/86.

Bowman's estimate for horses was 35,000-40,000. 31061/85.

58. Keam to Atkins, 1/2/86, 1623/86. -Op. cit.

"Aside from their peacefulness they show few signs of civilization. They retain their barbarous customs and indifference to Christianizing influences, and it is believed that were it not for their property interests but very slight provocation would induce them to wage savage and cruel warfare. They are an expense and a burden to the General Government. Their herds roam over the public domain untaxed, and they contribute nothing to the general good of the country." Governor of Arizona, *Annual Report*, 1885, 49 Cong., 1 sess., Hse. Ex. Doc. 1, pt. 5, p. 904 [2379].

families.⁵⁹ Windmills, brought to the agency in 1880, and never installed, were probably given to the Moquis; at least Bowman so recommended on the grounds that they "can not be judiciously used by the Navajos."⁶⁰ In the western country Keam claimed to be furnishing water from his developed supply for 10-15,000 Navaho horses and sheep daily during the summer months, remarking that the Indians "like children required assistance in management."⁶¹ In addition, farm implements were furnished along with a miscellany of other articles. In March, 1886, about 4,000 recipients attended the issue of goods. Many others did not attend for the common reason of inclement weather and the difficulty of transporting anything worthwhile

to their distant homes on the back of a diminutive pony—though I did see one determined Navajo carrying off a large plow on horse-back and another a wheelbarrow, though I regret to say that in the latter case the experiment proved unsuccessful, the fragments of the wheelbarrow being scattered by the refractory horse all over the north side of the plaza.⁶²

Another method of civilizing the Indians was revived by Bowman, namely, the building of houses like the white man's dwelling. About twenty-five were erected in the fall of 1884, and twenty-two more authorized in the winter of

59. Price to Bowman, 10/23/84, LB 107, p. 448 (pt. 1, F). Herbert Welsh, *Report of a Visit to the Navaho*. . . . 1885, p. 17f.

60. 12150/85. The project for a sheep-cote near the agency had not succeeded; Bowman was instructed to distribute the 75 marino bucks to reliable Navaho. Teller to Bowman, 10/1/84, 19263/84.

61. Keam to Atkins, 1/2/86, 1623/86.

62. Wm. Parson (special Indian agent), *Report*, 4/27/86, 12532/86.

In the fall of 1884 Bowman reported that "The shovels are as thin, and easy bent as tin, and possess as little flexibility," and plows were practically useless; all shipped by John Dere & Co. of Moline, Illinois. 22890/84.

Wagons were still being furnished to the Navaho also. "There is no better method of giving them practical lessons in independence—and self reliance!" That is, by using the vehicles for doing the public freighting. P. H. Folsom (special agent) to Atkins, 4/30/85, 10005/85.

During the fiscal year 1886-1887 the Navaho received \$287.20 for freighting government goods. Patterson, *Annual Report*, 50 cong., 1 sess., hse. ex. doc. 1, p. 255 (2542).

1886 at a total cost of \$1,084; another one was built for a son of Ganado Mucho as compensation for being ousted from a spring by a white man, and Keam reported that one or two chiefs in his locality had paid white men to build houses for them. The steam sawmill, set up at Fort Defiance to supply lumber for dwellings, had failed to serve the purpose for lack of nearby timber; it was now offered for sale and the proceeds were to be used to buy doors and windows from J. C. Baldrige Lumber Company of Albuquerque.⁶³ Several years later an appropriation was made for a portable sawmill.

All in all, the reports of Navaho economy were now much better than during the hard years at the opening of the decade. "The condition of the tribe, as a whole, is not only far removed from hardship, but may even be said to be one of comparative affluence,"⁶⁴ a state of affairs due more to the seasonal swing than to government aid, however, because subsistence supplies had been discontinued. As early as 1883 it was claimed that

They are already self-supporting, living chiefly on mutton, and on flour, sugar and coffee purchased from the traders, supplemented in summer by their own corn, pumpkins, watermelons, etc. Not a dollar from the government for any living purpose whatever.⁶⁵

Other evidence that the Navaho were not destitute can

63. Bowman, *Annual Report*, 9/3/84, 48 Cong., 2 sess., hse. ex. doc., 1, p. 179, (2287). LB 118, p. 170 and LB 120, p. 131 (pt. 1, F); 18365/85, 22336/85, 1623/86, 22511/85. Patterson, *Annual Report*, 49 Cong., 2 sess., hse. ex. doc. 1, p. 422 (2467).

64. Mendelevff, *op. cit.*, p. 482.

Although published later, the material in Mendelevff and Stephen (see below) was collected in the 1880's.

65. General S. C. Armstrong in *The Morning Journal* (Albuquerque) 9/25/83.

The Navaho "have planted quite a crop of corn and are showing a spirit of industry heretofore unknown among them. Along the road between Wingate and Defiance most of the land susceptible of cultivation has been planted. . . ." D. O. T. R. to Editor, 7/31/84, *Albuquerque Morning Journal*, 8/3/84.

"The average Navaho farm, and almost every adult male now has a small garden patch, comprises less than half an acre, while two acres is considered a large area to be worked by one family at one time." Mendelevff, *op. cit.* p. 503.

See also A. M. Stephen, "The Navaho." *American Anthropologist*, vi, no. 4, 361f. (October, 1893)

be found in the rivalry among white men for a license to trade, and the attempts of the government to regulate the business. Under a new policy effective in 1886, traders were required to report their annual gross sales as a basis for determining the number of licenses to be issued; the maximum profit per article was to be fixed by the commissioner of Indian affairs, and the average profit allowed was not to be greater than twenty-five percent of the original cost plus freight charges.⁶⁶ The limitation on profit was presumably in the interest of the Indian, but it is doubtful that any such rigid rule worked in practice. Trade was carried on by the barter system. The Navaho exchanged wool in season for goods, and sometimes pawned his jewelry with the trader during the interim, although such practice had been forbidden. The sellers competed for the favor of their neighborhood patrons by the giving of trivial presents to the more influential Indians. The Navaho on the other hand had the advantage of going from trader to trader for the best price, and of patronizing the numerous stores off the reservation when not too distant. The limitation on the number of traders on the other hand, was hardly in keeping with the theory of free competition for establishing the best price level, but there was some fear that too many traders would tend to force the price of wool down to the detriment of the Indian.⁶⁷

In this period of Navaho prosperity, the traders were all Republicans. . . . They are very bitter in their feelings towards the administration and some of them are giving the Agent trouble—I am sure that “Day, Damon, Donovan, and John H. Bowman” compose a ring calculated to defeat the intents of law, and are very objectionable men as traders.

The writer, J. M. Weidemeyer, a Democrat, belonged to one

66. Commissioner Indian Affairs, *Annual Report*, 9/28/86. 49th Cong., 2 sess., Hse. Ex. Doc. 1, pt. 5, p. 115 (2647).

67. Atkins to J. S. Struble (House of Representatives), 4/14/86. LB 1, p. 166 (pt. 2, M).

For a brief statement of Navaho trade see Bowman to Commissioner 8/10/85, 18952/85, and 2/22/86, 6219/86.

of the best families in Missouri, according to Senator F. M. Cockrell, and had not only secured a license to trade at Fort Defiance, but was trying to secure a monopoly on the business at that location.⁶⁸ His efforts was unavailing despite the backing of Cockrell; the commissioner believed that business justified two traders at the agency; furthermore, Mr. Weidemeyer had been too choosy once before in securing a license, preferring a location at the Crow Indian agency instead of Fort Defiance.⁶⁹

His desire for a monopoly was justified if his figures were accurate. He claimed only a gross profit of 25 per cent in less than two and a half months beginning June 26, 1886; a net gain of \$150, or about \$30 per month for himself and clerk. By the end of the year he had grossed \$4,602.80.⁷⁰

Weidemeyer's *bête noire* was the store of B. F. Hyatt who was the storm center of Indian discontent during Riordan's period as agent. He had secured the license for his clerk, S. G. Reeder, a Republican, but it was commonly believed that he really owned the business.⁷¹ The gross receipts for 1886 amounted to \$8,448. Reeder (or Hyatt) survived the attempt to cancel his license for the benefit of Weidemeyer, but he finally sold his business to the newcomer January 1, 1887.⁷²

69. Atkins to Patterson, 9/9/86, LB 2, p. 77 (pt. 1, M) Atkins to Cockrell, 7/12/87, LB 2, p. 206 (pt. 2, M) Cockrell to Atkins 7/7/87, 17654/87. near Fort Defiance, was seeking aid to secure the reopening of his store, closed by the commissioner of Indian affairs 7/6/86.

69. Atkins to Patterson, 9/9/86, LB 2, p. 77 (pt. 1. Atkins to Cockrell, 7/12/87, LB 2, p. 206 (pt. 2, M) Cockrell to Atkins 7/7/87. 17654/87.

70. Weidemeyer to Atkins, 9/1/86, 25639/86. Patterson to Atkins, 3/1/87, 6844/87.

Weidemeyer's business was managed by his son. The above letter was written from Clinton, Mo., indicating that he was not always on the reservation.

71. Bowman to Commissioner, 8/10/85, 18952/85. Weidemeyer to Vest, 2/8/86, 4580/86. Parsons to Atkins, 3/13/86, 8076/86.

72. Patterson to Atkins, 6/18/86, 16483/86. Patterson to Commissioner, 1/9/87, 1723/87. Patterson to Atkins, 3/1/87, 6844/87.

The traders carry a stock of \$500 to \$4,000; silver buttons, bracelets, rings and bridles pass as emergency currency; wool is sold by the blanket, not by the pound; traders expect to furnish free tobacco and "numerous presents to influential patrons," competition is keen among traders; in 1885 wool sold for 7-8c per

The rival business at Fort Defiance was owned by Michael Donovan who bought out W. R. Fales in the spring of 1885, and also secured a license to trade at Washington Pass.⁷³ Donovan hailed from Syracuse, New York, and had some connection with the firm of Upson and Donovan of Baldwinsville, New York, manufacturers and dealers in clothing and shoes. He too was accused by Weidemeyer of being a "front" for some one else. In the struggle for the license at Fort Defiance, Donovan pulled strings through Representative Frank Hiscock, but the influence of the senator from Missouri was greater and he lost out. The new agent for the Navaho also withdrew his recommendation for the renewal of Donovan's license "for good reason," believing now that one store was sufficient at the agency.⁷⁴ Donovan retained the other license and opened business July 28, 1886, at Chinlee where former Agent Bowman served as his clerk. Donovan left for the east for business reasons and died in the summer of 1887. Bowman, meanwhile tried to secure the license with Donovan's approval, but Patterson hoped that no one connected with the former administration would get the license "for the peace and harmony of matters here." His hope was apparently realized. At any rate, C. N. Cotton of Mount Vernon, Ohio, bought the stock of goods after the death of Donovan with the understanding that he would receive the license, but that part of the deal not being successful, he was closed out by the agent in November, 1887. He immediately appealed to General G. W. Morgan and Senator A. B. Payne, but without success. The prize was worth a struggle, the gross

pound and was quoted in Albuquerque at 9-12c; trade cannot be monopolized because the Navaho are nomadic, "They are sharp traders, persistent beggars, occasional thieves but withal good natured." Bowman to Commissioner, 2/22/86, 6219/86.

73. LB 181, p. 423; LB 49, p. 118 (pt. 2 C); LB 51, p. 298 (pt. 2, C); 5038/85; 18952/85.

74. Patterson to Atkins, 6/18/86, 16483/86. The change in agents will be discussed later. Weidemeyer to Atkins, 9/1/86, 25639/86. J. W. Upson to Frank Hiscock (House of Representatives), April, 1886, 16523/86. Atkins to Hiscock, 6/23/86, LP 1, p. 439 (pt. 2, M). Hiscock to Atkins, 11/1/86, 29235/86. Also 28676/85.

receipts for the store amounting to \$16,360.50 from August, 1886, to March, 1887.⁷⁵

The other licensed trading post on the reservation was located at Tse-a-lee ("the spring that flows out from two rocks"), about fifty miles north of Fort Defiance; it was started by S. E. Aldrich, probably related to Senator N. W. Aldrich, and his partner (E. S.?) Clark, in the spring of 1885. In the summer of 1886 Clark was succeeded by A. S. Sweetland in the firm, and during that same year the gross receipts were \$10,947.47.⁷⁶

About thirty-five miles west of Fort Defiance, at Ganado or Lu-ka'nt-quel ("place of water reeds"), John Lorenzo Hubbell had opened a trading post in 1876, eventually staking out a homestead, and was considered one of the most successful traders in the business.⁷⁷ Thomas V. Keam at Keam's Canyon and about fifty other stores off the reservation completed the array of places where Navajo products found their way to market in the 1880's.⁷⁸ While the white men struggled for licenses and competed for business, the suspicion lingered in the mind of the Indian that the cards were stacked against them in the game of barter and sale. "In all the complaints that were made, the evils of certain trading posts were those which most grieved them now."⁷⁹

75. Patterson to Atkins, 3/1/87, 6844/87. Cotton to Morgan, 11/23/87, 32361/87. Also 29235/86, 31914/87, and LB 1, p. 132 (pt. 2 M). Frank Hiscock to Atkins, 11/1/86, 29235/86.

76. LB 1, p. 479 (pt. 2, M); LB 49, p. 2 (pt. 2, C); LB 50, p. 100 (pt. 1, C); 18952/85, 7889/86, 17562/86, 6844/87, 14201/87, 748/85.

77. John Lorenzo Hubbell as told to John Edwin Hogg, "Fifty Years an Indian Trader," *Touring Topics*, vol. 22, no. 12 (December, 1930), Los Angeles, Calif. Also 5603/86, 18952/85.

"Out here in this country the Indian trader is everything from merchant to father confessor, justice of the peace, judge, jury, court of appeals, chief medicine man, and *de facto* czar of the domain over which he presides. For nearly half a century I've been known locally as The King of Northern Arizona." *Ibid.*, p. 24.

"Moreover, his [Hubbell's] influence and power through five decades have been greater than that obtaining with the governors of many of these United States. A modern frontiersman he was indeed." The Editor speaking, *Ibid.*, p. 25.

78. Bowman to Commissioner, 8/19/85, 18952/85.

79. H. O. Ladd to Editor, 9/9/87, *Daily New Mexican*, 9/14/87. Mr. Ladd had visited the Navaho and met with them in council.

Meanwhile another change in agents occurred at Fort Defiance. The brief tenure of Bowman was due to entanglements with too many women, one of whom had followed him from Colorado and produced a rupture between the agent and his wife. The agency staff divided in their attitude toward this situation. R. R. Aycock, the agency clerk, and G. P. Sampson, the doctor, were the chief critics and accused the agent of malfeasance in office, immorality in conduct, and of allowing his female friend to operate a boarding house in the school building with the aid of government supplies. Aycock in turn was accused of clerical incompetency and Sampson of being a quack. S. E. Day, agency farmer, and Stewart the blacksmith were allies of Bowman. Inspector Pearsons was sent to the scene and made a report favorable to Bowman: "He is energetic, resolute and quick man." Bowman, meanwhile, had offered his resignation, effective preferably December 31, 1885, and became manager of a cattle ranch at Navajo Spring.⁸⁰ In a subsequent investigation, Special Indian Agent Pearsons exonerated Bowman of charges of dishonesty and forced the resignation of Dr. Sampson who had a medical diploma, but was "in no way qualified for the practice of the healing art."⁸¹

The successor of Bowman was S. S. Patterson of Newton, Iowa, a Civil War veteran, a "fine lawyer & a Democrat," and a partner of J. C. Cook, attorney for the Chicago and Northwestern Railway Company.⁸² He enjoyed a period of quiet following the scandal in agency affairs, but it was only

80. Geo. R. Pearsons, *Extract from Report on Navajo Agency*. November, 1885, 29696/85. Patterson to Atkins, 12/4/86, 32718/86. Also AD 209, 173/84.

81. Wm. Parsons, *Reports*, 6047/86, 11814/86, 11992/86, and 12446/86. Sampson to Patterson, 4/10/86, 10926/86.

Other documents pro and con are 2007/83, 28453/85, 28676/85, 7429/86 (attached to 8076/86), 12446/86, 6335/86, 688/86, 22478/85.

C. M. Jeanes declined an appointment as additional farmer because of unfavorable conditions at the agency with the ambiguous statement that he expected to make some money but could not do so under the present agent. Jeanes to Atkins, 11/29/85, 29178/85.

82. Atkins to Secretary of Interior, 12/21/85, AD 253. Cook to Benton McMillan (House of Representatives). 7/8/88, 20157/88.

the lull preceding the storm. The usual difficulties eventually raised their heads.

In the summer of 1886 a Navaho was killed in Gallup by Wm. Davis, a herder for Frank Ritz, in a dispute over a horse. A detachment of troops was sent from Fort Wingate to prevent further trouble. After a two hour conference, the Indians agreed to accept \$80 worth of supplies from Ritz, payable to the family of the deceased. Patterson swore out a complaint against Davis and had him bound over for grand jury investigation, intending to make an example of the case in order to prevent such incidents in the future; cowboys, he thought, were "too free in the use of revolvers which they always carry."⁸³

The following winter a shooting occurred in the neighborhood of Houck's Tank, about forty miles south of Fort Defiance. The constable served a warrant on a Navaho for horse stealing, but was dealing with the wrong party, one who was returning an estray and not the real wrongdoer. Instead of making sure of his party, the constable, in the popular conception of Western behavior, shot first and talked afterwards. Before the melee ended, the constable and probably two assistants were dead, the Navaho was also dead and another one badly wounded, if not mortally so. A detachment of cavalry was rushed to the scene, but nothing more came of the matter; the white men apparently felt that they were in the wrong this time.⁸⁴

In the summer of 1888 the whiskey problem raised considerable excitement. The Navaho were getting unusual quantities of liquor, or else the traffic had been conducted

83. Patterson to Atkins, 7/28/86, 20821/86.

84. O. O. Howard to AG, 2/14/87, 4650/87. Patterson to Atkins, 2/15/87, 5110/87. Lieutenant Grierson, *Report*, 2/28/87, 7454/87 and 5246/87.

"There are undoubtedly horse thieves among Navajos as well as whites, and a number of worthless men of both classes lounge around the same towns begging, stealing, and gambling." Col. R. S. La Motte to AAG, 10/15/87, Fort Wingate, Post Letter Book No. 3, p. 250.

The acting agent reported in the spring of 1887 that white men ran off about 150 to 200 horses from Ganado Mucho's place and the Navaho went in pursuit. Ben C. Ford to Patterson, 3/21/87, 7911/87. Patterson was in Washington, D. C. at the time.

too secretly for officials to notice it. The publisher of *The Gallup Weekly Register* complained to the commissioner that whiskey was sold in unlimited quantities to the Indians at Cabezon, in the upper Puerco valley, and that it was a "growing and dangerous evil." Patterson was instructed by commissioner Upshaw to investigate and punish the offenders. Meanwhile the agent requested the sum of \$250 to hire detectives to secure evidence against them, and also asked for a company of soldiers to be sent to the agency to aid in breaking up the traffic.⁸⁵ An attempt by the Navaho police and ten cavalymen to arrest a half-dozen Indians for bringing liquor to the reservation was met with resistance by 100 or more Navaho. The outcome of this particular episode is not clear, but some Indians were put in jail at the agency and one seller indicted. Patterson claimed that "the whiskey traffic is completely wiped out among the Indians in all parts of the reservation," but this was over confidence in the long range view; it was not believed by Colonel Carr, nor by one of those hardy women characters found on the frontier who wrote: "If the right man is sent here I will put him in possession of facts that will largely be the means of suppressing the[whiskey] evil."⁸⁶

While the whiskey traffic remained *in statu quo*, that is, business as usual, the problem of the boundary line and the Navaho living off the reservation continued to ferment. The Indians took advantage of the change in agents to press for an extension to their reservation. The whites, on the other hand, and particularly the authorities of Arizona

85. A. M. Swan to Commissioner, 7/6/88, 17320/88. Upshaw to Patterson, 8/21/88, LB 176, p. 428 (L D). Fort Wingate Post Letter Book No. 3, pp. 317, 321. Patterson to Commissioner, 8/18/88, 21367/88.

86. Mrs. H. C. Mason to Commissioner, 10/15/88, 26296/88. Patterson, *Annual Report*, 9/1/88, 50 Cong., 2 sess., hse. ex. doc. 1, p. 192 (2637). Carr to AAG, 9/10/88, Fort Wingate Post Letter Book No. 3, p. 330. Also 22124/88 and 21936/88.

Speaking of Mrs. Mason, "She is not much for 'polish' but she is what we call on the frontier, 'a good rustler.'" Riordan to Commissioner, 3/6/87, 6779/87. She had tried to secure the trader's license for Chinlee, "you know a sturdy woman can do more towards civilizing those Navajos than fifty men such as they send out here from Washington." Mason to Riordan, 3/6/87, *ibid*.

territory, were urging the removal of all Navaho on to the reservation; even the territorial legislature memorialized the government to that effect; and the sheriff of Apache County seized Indian horses for non-payment of taxes, an action that Patterson advised his charges was legal.⁸⁷ Patterson favored the viewpoint of the whites on the grounds that the influx of settlers and the growth of towns had led to a condition of constant friction with the ever-present possibility of serious trouble. The reservation area, he thought, was sufficient for their support, particularly because of a current project for water development.⁸⁸ The Washington authorities decided that it was advisable to send out a special investigator before taking action.

After spending about three months studying the problem, Special Agent Welton reported that the Navaho advanced the following propositions: the boundary should be extended westward to the Little Colorado River, the southern boundary marked off with a wire fence, and a qualified official sent to allot lands; in return, the Indians agreed to locate within the boundary lines of the reservation (except those who received allotments in non-reservation land), while reserving the privilege of going off the reservation for trade.⁸⁹ This report produced no change in the situation and before anything further could be done another agency upheaval occurred, due to scandal connected with the water development.

When Special Agent Parsons visited the reservation in April, 1886, he recommended the appropriation of \$50,000 for the development of water resources which he believed would make possible a living for all the Navaho within the limits of their own country. Commissioner Upshaw favored the policy; artesian wells, he stated, had proved successful in southeastern New Mexico, furthermore, the Navaho too

87. Patterson to Atkins, 7/1/86, 18213/86. Arizona Legislative Assembly, *Memorial*, 2/3/87, 4550/87.

88. Patterson to Atkins, 2/25/87, 5750/87.

89. H. S. Welton to Commissioner, 7/8/88, 18372/88. Also Atkins to Secretary Interior, 4/6/87, LB 158, p. 213 (LD).

little understood the white man's land system and the working of the homestead law to solve their problem by that device. Congress appropriated, not \$50,000, but the modest sum of \$7,500 in 1886 and again in 1887.⁹⁰

The project was quickly started and in the course of the first year fifteen springs were opened and improved, five dams and fourteen reservoirs constructed, and nine ditches excavated.⁹¹

In view of the size of this project and the favorable report at the end of the first year, substantial progress toward the economic betterment of the Indians seemed to be under way, but unfortunately evil machinations were going on behind the scene. The first symptom of trouble occurred when the agency physician, Dr. William A. Olmstead, was discharged June 4, 1887, at Patterson's request on the ground of incompetence and trouble making in general. The dismissal was probably justified, but the doctor complained to the commissioner that Patterson secured his dismissal because he feared a possible investigation of agency affairs.⁹²

During the following winter, friction developed between the school staff and the agent; the superintendent, matron, and one teacher requested an investigation of agency matters on the ground that scandalous reports had been spread to discredit the complainants and that drinking and gambling occurred at the agency. The upshot of this affair was the suspension of the superintendent by Patterson late in March.⁹³

The more serious consequence of the trouble lay in the

90. Parsons, *Report*, 4/27/86, 12532/86. Upshaw to Secretary Interior, 5/27/86, LB 148, p. 422 (LD).

91. Patterson, *Annual Report*, 8/23/87, 50 Cong., 1 sess., hse. ex. doc. 1, 256 (2542).

92. Olmstead to General A. B. Upshaw, 10/20/87, 28520/87.

Eight employees preferred charges against the doctor. One quoted the doctor as saying that Patterson was incompetent and that "*Hell was full of such Agents*," and that he (Olmstead) had come to make money "and by g-- d-- he was going to make it." 14181/87.

Olmstead had been appointed agency physician September 11, 1886.

93. 2625/88, 4511/88, 7906/88, and 9127/88.

appearance of Special Indian Agent H. S. Welton in March, 1888. He soon reported evidence of payroll padding on the water improvement project; furthermore, the agent had never seen the work in progress, and Indians were hired at \$1.00 per day and charged fifty cents by Patterson for board. He recommended that work be suspended, a step that was taken promptly by Commissioner Atkins.⁹⁴ Patterson left for Washington in April, probably to clear himself from pending trouble. During his absence, the agency clerk Ben C. Ford, was in charge, but proved to be too fond of liquor to suit Mr. Welton who put pressure on the clerk to resign. Mr. Ford was reluctant to resign, so the special agent took the matter up with the commissioner, stating that

Disipation was not *alone*, the cause of my desire that Mr. Ford should resign. A suit brought, to recover the Thousands of Dollars of "irrigation funds" fraudulently taken, would necessarily develop *facts* (now in my possession) that would most seriously and criminally implicate Mr. Ford, which is not desirable unless necessary.⁹⁵

Mr. Ford protested his innocence, but he was dismissed as of May 26.⁹⁶

The initial report to Washington in regard to the water project was not sufficiently specific to prove wrongdoing against Patterson, and Welton was instructed to sift matters to the bottom. In the report concerning Ford, however, Welton laid himself open to sharp criticism. His job was to investigate and report findings; he had presumed to pass judgment on the question of prosecution, which, he wrote, "is not desirable unless necessary." The commissioner promptly corrected that attitude: "Your duty as Special

94. Welton to Atkins, 3/31/88, 9154/88; Atkins to Patterson, 4/7/88, LB 92, p. 281 (pt. 2, AD).

95. Welton to Commissioner, 4/29/88, 11615/88.

96. "I am innocent Genl Upshaw and the victim of spite and malice . . . I have been made the victim of an old cranky and malicious Special Agent." Ford to Upshaw, 6/30/88, 17847/88. See also 11838/88, and LB 93, p. 198 (pt. 1, AD).

Ford had been nominated for the job of clerk on December 20, 1886, and presumably started work early the following year.

Agent is to report . . . without fear, or favor, or regard . . ." to results.⁹⁷ Welton had little time to make any more reports; his services were unsatisfactory and another investigator was sent to the scene.⁹⁸

The next investigation produced ample information to terminate Patterson's career as agent. In the first place, T. D. Marcum, the new special agent, found dissatisfaction among the Indians. They called their agent the "old woman" because he moved slowly, and also the "man who smells his mustache." And other sources confirmed this frame of mind. Old Manuelito complained to the commander at Fort Wingate that he had been thrown into the guard house at the agency because he had called Patterson a dishonest man and a liar: "When a man is lying with a sharp stick or stump running in his side, it irritates him. That is how I feel about this matter," Manuelito said. And the vigorous minded observer of Navaho affairs, Mrs. Mason, took her pen in hand to testify:

Since S. S. Patterson has been here they have had no Agent. John Bowman was poor enough because he was careless, but this man Patterson is a curse to the Country as well as to the Indians.⁹⁹

Marcum meanwhile rendered a detailed report on his findings, an exposé that could be defined simply as embezzlement. The payrolls had been padded, false abstracts of expenditures of property had been issued, government

97. Atkins to Welton, 5/7/88, LB 93, p. 395 (pt. 1, AD). Upshaw to Welton, 5/5/88, *ibid.*, p. 390.

98. "It would seem that Special Agent Welton is too impulsive, is governed more or less by prejudice, lacks good judgment and discretion, misuses his official authority, and is even not altogether free from malice in his investigations and reports. . . ." Atkins to Secretary of Interior, 5/15/88, LB 93, p. 94 (pt. 2, AD).

The new investigator recommended the dismissal of Welton. 25781/88.

Another employe of the agency was dismissed in June. He held the positions of blacksmith, carpenter, chief of police, and postmaster. His protest illustrates the patronage system: "know that you strike one who served near four years in the Union Army, a pensioner. One who served four years as Sheriff of Keokuk Co. Iowa. A Democrat, with a standing in Iowa, that the malicious assaults of my enemies can not effect." H. C. Adams to Commissioner, 6/21/88, 16181/88.

99. Colonel F. A. Carr to AAG, 9/30/88, 26651/88. Mrs. H. C. Mason to Commissioner, 10/15/88, 26296/88.

property at the agency illegally used, and a private boarding house for laborers had been operated with the government paying the salaries of the cooks. All told, Marcum figured that \$8,692.83 expended on irrigation works "is virtually a waste of public funds," and that Patterson owed the government \$4,298.29. The superintendent of construction and an accomplice in the payroll padding, S. E. Marshall, had been approved for appointment as additional farmer for one month in the summer of 1886 with the following instruction to Patterson: "you will not submit his name for any position at your agency, in the future." Marshall was appointed nevertheless to the construction job in January, 1887. Apparently he had influence some place.¹⁰⁰

Needless to say Patterson was dismissed from the service. Ten years later his accounts were finally settled and he was indebted to the government in the amount of \$829.87 on a/c of "Public moneys and property unaccounted for."¹⁰¹

A most promising project for the economic betterment of the Navaho had come to a dismal end. The peace time problems that confronted the government and the Navaho had not been solved in the course of a generation following the return of the Indians from their enforced sojourn on the Bosque Redondo.

100. T. D. Marcum, *Report* (synopsis), 9/20/88, 25404/88. Concerning Marshall, see Atkins to Patterson, 9/3/86, LB 79, p. 66 (pt. 2, AD); also LB 83, p. 460 (pt. 1, AD), and LB 82, p. 264 (pt. 2, AD).

101. Auditor to Secretary of Interior, 3/22/98, Appointment Division, 253. Commissioner to Secretary of Interior, 11/1/88, 26651/88.

THE NEW MEXICO STATUTES: OBSERVATIONS IN
CONNECTION WITH THEIR MOST RECENT
COMPILATION

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THE first formal collection of New Mexico laws, following the American occupation is the historically well-known Kearny Code prepared under direction of Brigadier General S. W. Kearny by Colonel A. W. Doniphan and Willard P. Hall, which was announced as the law for governing the Territory of New Mexico in a letter by General Kearny to the Adjutant General of the United States on September 22, 1846. The laws, as explained by General Kearny in his letter, were taken partly from the laws of Mexico theretofore in effect throughout the territory, partly from the laws of Missouri, and to a lesser extent from the laws of Texas, Coahuila and from the Livingston Code. A surprising proportion of the Kearny Code has survived, in reenacted form, the effect upon it of sixty-two territorial and state legislative sessions, as will be indicated by examination of the "Present status" annotations in a reprint of the Kearny Code in Volume One of the New Mexico Statutes 1941.

Following a preliminary legislative session in 1847, regular sessions of the territorial legislature were held annually from 1851 until 1869 inclusive, after which regular sessions took place biennially, more or less regularly until statehood. The territorial legislature of 1854 authorized a revision and correction of the laws, which was completed by Chief Justice James J. Deavenport of the territorial Supreme Court in 1856, and was known as the "Revised Statutes of the Territory of New Mexico." Another revision and compilation was authorized by the legislature in 1859 and a commission designated to perform the task, which reported back to the legislature in 1865. This compilation was declared by the legislature to be "The Revised Statutes

and Laws of the Territory of New Mexico . . . 1865." The territorial Supreme Court held later in the case of *Tafoya v. Garcia*, 1 N. M. 480, that this legislative declaration in 1865 had the effect of repealing all laws passed prior to this revision and that all acts contained in the Revised Statutes of 1865 were reenacted the same day.

Chief Justice L. Bradford Prince in 1880 prepared another revision of the general laws of the territory, but this compilation was never officially recognized by the Legislature. In 1884 a new compilation of the laws was authorized and three commissioners, Edward L. Bartlett, Charles W. Greene and Santiago Valdez, were designated to prepare and publish it, which was done in 1885. The last territorial compilation is that of 1897, upon authority of an act of March 16, 1897, and was prepared for publication by John P. Victory, Edward L. Bartlett and Thomas N. Wilkerson.

Since statehood, New Mexico had a codification of its laws in 1915, a compilation authorized by Laws 1929, ch. 135, and another compilation authorized by Laws 1941, ch. 191, which was scheduled for delivery to the state by the compilers during December, 1942. The publishers of the 1929 compilation also prepared and issued an unofficial supplement to the 1929 Compilation during 1938. Codifications and compilations of the law are distinguished, it should be noted, by the fact that laws as codified supersede the laws previously enacted whereas compilations merely bring related laws together, eliminating repealed and non-essential provisions, but do not otherwise change the wording of the original acts. When the laws are codified, the usual procedure followed by the legislature is to authorize codification at one session, designating codifiers to place the laws in proper arrangement, to eliminate obsolete provisions and antiquated laws and to reword or rewrite provisions which need redrafting. Then, at a subsequent session of the legislature the codification is adopted as one comprehensive act, repealing ordinarily as was done in 1915, all general laws not therein codified. An authorized compilation on

the other hand merely directs the compilers to bring together in a systematic arrangement all of the general laws still in force. The compilation is not subsequently adopted by the legislature, or does not need to be, since it does not embrace changes in wording, repeals nothing, and is but prima facie the law. The new 1941 New Mexico Statutes are the most completely annotated set of New Mexico statutes yet prepared. The comprehensive nature of the compilation is evidenced by the fact that the 1929 Compilation was published in one volume containing 2,068 pages, whereas, the 1941 Compilation is being published in six volumes, averaging approximately 1,500 pages each.

Perhaps the most interesting experiences in compiling a new set of statutes result from the discovery of humorous, sometimes ridiculous, errors that have perhaps inadvertently, perhaps designedly, crept into the laws. Some of the more interesting of these "errors" observed during preparation of the new 1941 compilation are being reviewed herewith.

The New Mexico Constitution provides that the subject of every bill shall be clearly expressed in its title and that a bill shall not embrace more than one subject (N. M. Const., art. 4, sec. 16). This provision, no doubt is an outgrowth of the elusive and deceitful practice indulged in during territorial days of slipping incongruous provisions into bills, which might not have been enacted if they had been openly presented upon their merits. Best known product of this territorial fraud is that contained in the act of February 2, 1860, entitled "An act to incorporate the Mesilla Mining Company" which provides in sections 1 and 3 for the incorporation as provided in the title. But section 2 of the act provides as follows:

Be it further enacted: That it shall be lawful, valid and binding, to all intents and purposes, for those who may so desire, to solemnize the contract of matrimony by means of any ordained clergyman whatsoever, without regard to the sect to which he may belong, or by means of any civil magistrate.

This section quite obviously was thus hidden in the act to elude the vigilance of the Catholic clergy.

Even after statehood, however, attempts (usually held unconstitutional when contested in the courts) have been made to circumvent the constitutional requirement. Perhaps the best known of these attempts is the recent 1939 capitol building act which combined in its provisions authority for remodeling the capitol building and acquiring lands for state park purposes (Chap. 112, Laws 1939), held unconstitutional by the Supreme Court in *Johnson v. Greiner*, 44 N. M. 230, 101 Pac. 2d 183.

An interesting practice, not as yet presented before the courts, is illustrated by a 1933 act, Chapter 53, granting additional powers to the Cattle Sanitary Board. This act by its title and apparently also by an imperfectly worded repealing clause seeks to repeal a 1905 act prohibiting the holding of cattle roping exhibitions. The title and text of the act mention only^a the numbers of sections being repealed, leaving the assumption in the minds of persons reading them that these sections represent limitations upon the powers of the Cattle Sanitary Board sought to be removed, whereas in fact they are not germane to the principal subject of the act. The subterfuge is obvious. By not mentioning the subject matter of the acts sought to be repealed either in the title or in the body of the act, the legislature eluded the vigilance of the S. P. C. A. and kindred organizations.

There is a 1923 act which bears this vague title: "An act for the preservation of public peace in the State of New Mexico." (Chap. 4, Laws of 1923). A reading of the act itself reveals that it seeks to prohibit wearing of masks, hoods, robes or other covering upon the face, head or body—directed against and intended to disrobe the hooded gentry of that day, the Ku Klux Klan.

Stenographers in typing the enrolled bills have made mistakes which have slipped by and remained uncorrected by certificate. The acts therefore appear upon the books in a form not intended by the legislature. Under our Supreme

Court decisions the courts will not go behind the enrolled and engrossed bills. Of most common occurrence are instances in which a small word such as "not" is omitted, making mandatory acts intended to be prohibitive. Fortunately, the title in these cases and perhaps other provisions in the act ordinarily make it more or less apparent that such declaration does not express the true intent of the lawmakers and the courts have recognized the value in such cases of the title and other sections as aids in interpreting the true meaning of the law. Sometimes a word is inserted instead of being left out. This may provide incongruous and humorous results. A provision in sec. 10, ch. 94, Laws 1921, for example, provides that it shall be unlawful to operate, haul or conduct over any public highway or street any vehicle of certain descriptions without a permit which specifies a method of operation which will *not* prevent as far as possible inconvenience and danger to the traveling public and damage to the surface.

Though persistent efforts are made during most sessions of the legislature to eliminate them, many acts as enacted carry provisions in direct conflict with the constitution. One of the most frequently violated provisions is that portion of art. 12, sec. 4 of the New Mexico constitution which provides that "All fines and forfeitures collected under general laws . . . shall constitute the current school fund of the state." The 1921 act above mentioned, for example, provides that fines for violation of the act shall be placed to the credit of a fund for the construction and improvement of roads and streets.

Some laws as passed are meaningless, misleading, or have been sheared of vital provisions sought to be enacted. A 1929 act, for example, providing for assignment of wages and salaries, says that the assignment in order to be valid shall be acknowledged by the party making the assignment and that if the person making such assignment is married and living with his wife, the assignment shall be recorded in the office of the county clerk. Does this mean that if a

person is not married or if he is married but is not living with his wife the requirement is waived? That, apparently, is what the statute implies. A bit of research here, however, reveals that as introduced this act told a quite different story. In the process of enactment a clause which read "such assignment shall also be signed and acknowledged by the wife, and" was omitted following the phrase "living with his wife." The legislator who introduced the bill, however, intended to provide that if a person making the assignment is married and living with his wife the assignment should be valid only if it were also signed and acknowledged by his spouse.

The 1931 legislature in chapter 105 of the laws enacted that year provided for investigation of the affairs of certain fraternal benefit societies in the state by the superintendent of insurance, and included in the enactment statement a section which prohibits the superintendent from making public any financial statement or report of his findings until "a copy thereof shall have been afforded a reasonable opportunity to answer any such financial statement, report or finding, and to make such showing in connection therewith as it may desire." What the legislature intended, most likely, was to give the society involved an opportunity to explain, rather than to impart life to the report.

A humorous touch is added by some. This same 1931 act, mentioned in the preceding paragraph, in enumerating the societies affected designated one of them the "Nights of Pythias." An act creating a state board provides that certain state officials shall serve as ex-officio members, then adds that, in addition the governor shall appoint two *reputable* citizens to the board.

The New Mexico constitution provides that no act can be amended or its provisions extended by reference to its title but that each section thereof as revised, amended or extended shall be set out in full. This provision has created considerable legislative difficulty. On numerous occasions when sections are long and involved, only the particular

paragraph or subsection amended has been set out in full. Legality of this practice has not been tested, but is extremely questionable. Sometimes, the legislature in its desire to comply with the Constitutional provision, on the other hand, has followed the mandate so closely as to lead to queer and ludicrous results. The 1941 legislature, for instance, in amending an earlier law, creating a state board of health, provided that "As soon as possible after the enactment and approval of this act (i.e., the 1941 act) the governor shall appoint one member whose term shall expire on January 1, 1939, two members whose terms shall expire on *January 1, 1941*, and two members whose terms shall expire on January 1, 1943." Obviously the new appointment of the first three members must have been quite perfunctory inasmuch as their terms expired well before the bill was introduced. (Laws 1941, ch. 54, sec. 1)

Inadvertent repetition of words or phrases sometimes changes the meaning of our statutes. The 1937 legislature in an act relating to fidelity and surety insurance probably intended to provide that indemnity would not apply against the loss of certain designated commercial paper while in the mail or in the custody or possession of a carrier for hire for the purpose of transportation, except when being transported by an armored motor vehicle accompanied by one or more guards. As enacted, however, the law calls for "transportation by an armored motor vehicle *accompanied by an armored motor vehicle* accompanied by one or more armed guards." In other words, the armored car which transports the commercial paper, and the other items intended to be covered by the act, must be accompanied by a second armored car and one or more armed guards.

Failure to observe technical constitutional requirements may easily cause very serious complications. An act passed with a two-thirds majority or over, carrying an emergency clause, becomes effective under wording of the customary emergency clause upon its passage by the legislature and approval by the governor. The Constitution provides in art.

4, sec. 22 that "Any bill not returned by the governor within three days, Sunday excepted, after being presented to him, shall become a law, whether signed by him or not, unless the legislature by adjournment prevent such return. Every bill presented to the governor during the last three days of the session shall be approved or disapproved by him within six days after the adjournment and shall be by him immediately deposited with the secretary of state. Unless so approved and signed by him such bill shall not become a law." The 1931 legislature enacted a measure providing a "Guaranty Fund" to insure prompt payment of principal and interest upon conservancy district bonds theretofore issued, also providing for a tax levy for the purpose. During preparation of the 1941 Compilation it was noted that this bill was not signed by the governor and did not reach him in its final form until one day before adjournment of the legislative session. Under a strict interpretation of the emergency clause this bill could not have become law under any circumstances and under the Constitution it could not become law unless by some tenuous interpretation the time could be held countable from a previous day on which it had been sent to the governor, but after which it had been recalled for alteration and amendment.

Compilation of the statutes has many advantages aside from convenience and greater accessibility of the law. Not least among these is the opportunity it affords to discover defects in our legislation which need to be corrected.

NEW MEXICO'S FIGHT FOR STATEHOOD
1895-1912

By MARION DARGAN

VI: ADVERTISING "THE BACKYARD OF THE UNITED STATES"

ONE CANNOT UNDERSTAND fully the long struggle which New Mexico was forced to make for admission to the union if he concentrates solely upon activities in the national capital. Many statehood bills were introduced in congress, but it would be an idle waste of time to trace their history. It is much more significant to try to get backstage and discover why all these bills were doomed to defeat. With our system of short terms of office, frequent elections and great publicity, it is obvious that congressmen who remain in office any length of time are very responsive to the wishes of their constituents. Hence it was really the American people who kept the territory out of the union for sixty years. Let us then consider two questions: what did the American people think of New Mexico? and how did the New Mexicans try to put their territory before the people of the nation in a better light?

Crusaders for statehood generally agreed that one of the greatest factors which held New Mexico back was the ignorance of the territory and its resources which prevailed in the east. Ralph E. Twitchell wrote the *St. Louis Globe Democrat* early in 1900:

The territory of New Mexico has been the most maligned, the least appreciated, and the poorest understood portion of Uncle Sam's domain.¹

Much the same idea had been expressed ten years earlier by the *Las Vegas Optic*, when it said:

The Territory of New Mexico is to the masses of America a *terra incognita*. If they have ever heard of it the knowledge is of a place luxuriant

1. *St. Louis Globe Democrat*, quoted by *New Mexican Review*, Jan. 11, 1900.

with cactus, sage brush and vast areas of sand: a land in which water is at a premium, and life holding on by its eyebrows. The capitalist recognizes in such a country no opportunity for investments; the farmer never thinks of it as inviting his labor by offering remuneration and competency, and the laboring man generally passes over the land as unworthy of consideration.²

Several years later the same newspaper exclaimed:

Queer ideas some of our eastern cousins entertain about New Mexico! Inquiries are daily made if we have schools and churches; if the Indians are dangerous; if we have any society and other questions equally ridiculous and indicating a lack of intelligence.³

In June, 1895, the Albuquerque *Morning Democrat* complained:

The misconceptions in the east are more numerous about Arizona and New Mexico than any (other) part of the west today. Even very intelligent people believe the whole country an uninhabitable desert, and it will take lots of advertizing to persuade them that the country is really what it is.⁴

Ignorance and misconceptions were attributed to high and low alike. "Goodbye, God, we leave to-morrow for Lordsburg, N. M.," was the closing of a little girl's prayer in the states, according to the Silver City *Enterprise* for August 23, 1889, while the *Optic* stated a few years later that the Honorable Hoke Smith, Cleveland's secretary of the interior, had been unable to locate New Mexico on the map!⁵ A year later T. B. Catron, who had been elected delegate to congress from New Mexico, wrote Stephen B. Elkins:

We are far removed from the State Governments, and there is an absolute and supreme ignorance

2. Las Vegas *Optic*, July 9, 1891.

3. *Ibid.*, Jan. 16, 1896.

4. Albuquerque *Morning Democrat*, June 19, 1895.

5. *Optic*, Feb. 8, 1894.

throughout the members of Congress from the States as a general thing, as to a territorial government.

Twitchell complained that many easterners knew nothing about the New Mexicans except what they read "in the columns of their home paper, contributed by some special correspondent on his travels and written from what he saw from the window of a tourist sleeper."⁶ Erroneous ideas regarding New Mexico were, however, not confined to those who had never seen the territory. Eastern tourists passing through on an excursion, en route to Southern California, sometimes "rolled their eyes in wild astonishment" when they found that United States postage stamps could be bought in Santa Fé, and for exactly the same price they paid in Boston.⁷ Bernard S. Rodey waxed eloquent over the sins of visitors to the territory who were blind to the many signs of progress. In an interview to the *Pittsburgh Times*, he said:

Nothing is so hard to dispel as a popular misconception, and the Nation at large has a misconception of New Mexico. The eastern tourist is the person largely responsible for this false impression. He or she comes out here armed with a kodak, and every blanket Indian, every old adobe house and every burro in the Territory is the object of a snapshot, to be carried back East as typical of the New Mexico of today. They go miles to get snapshots at an Indian pueblo, but Albuquerque and our other towns, with wide, well-kept streets, elegant stores, handsome residences, churches, school houses and colleges, are hardly given a second look, let alone a thought. They are too like similar things in the East, and the tourist comes out here to see something strange to him.⁸

News stories of outlaws and crimes committed in New Mexico doubtless had much to do with the low opinion of the

6. *Globe Democrat*, quoted by *New Mexican Review*, Jan. 11, 1900.

7. *Ibid.*

8. *Pittsburgh Times*, May 26, 1903.

territory held in the east. James McGuire, mayor of Syracuse, New York, who visited Albuquerque in the spring of 1901, told a reporter:

He had observed that eastern capitalists and home-seekers were afraid of territories. The general impression prevailed that the people were wild and lawless and incapable of governing themselves. Though a territorial form of government might be as good, or even better in some cases, the fact that people thought it wasn't would prevent immigration and investments.⁹

A humorous letter which appeared in the *San Marcial Bee* a year later—possibly written by the editor himself in imitation of "Mr. Dooley"—pointed out that the criminal record of the territory worked against statehood. It read:

Our dear boy Henry

. . . I see by the papers that the people down thar (in New Mexico) are sufferin and strugglin for statehood. They say ther populashun an churches an industries is all right and I recon tha be but tha hev a yearly batch of muders and stock stealins an train an stage holdens up an killens an cripples enough to make civilization git up on its hind legs and howl Henry. An I want to tell you rite now that a pitiful idjut with a 6 shooter ken do a dad burned site moar in a minit to backset statehood for N Mex than ther representatives in Kongres and the hole religious an political push ken do in 4 years to shove it foreds by gosh an don't you ferget it.

Peter Jackson¹⁰

When we attempt to analyze the misconceptions of New Mexico held by easterners, they are resolved into a constant repetition of two ideas: the country is an uninhabitable desert, and the people are unfit for self-government.

Lt. Zebulon M. Pike and Josiah Gregg did much to convince the American public thāt much of the southwest

9. Albuquerque *Journal-Democrat*, March 17, 1901.

10. *San Marcial Bee*, May 24, 1902.

was a barren desert, unfit for human habitation. Pike, who passed through New Mexico in 1806 predicted that the vast desert area would serve to restrict population to certain limits. Gregg, the author of the *Commerce of the Prairies* (published in 1844) was a Santa Fé trader for a number of years. He declared that much of the southwest seemed "only fitted for the haunts of the mustang, the buffalo, the antelope, and their migratory lord, the Prairie Indian." When General Kearny invaded New Mexico during the summer of 1846, his men who were half-starved at times¹¹ doubtless acquired lasting impressions of the country which seemed inhospitable compared to the woods and green fields of Missouri. Six years later, when the Gadsden treaty to purchase what is now southern New Mexico and Arizona came before the senate for ratification, it was a Missourian who led the opposition to it. Senator Benton declared that the country was "so utterly desolate, desert, and God-forsaken that Kit Carson says a wolf could not make a living upon it. . . ."¹² Other senators also described the land as worthless. Of course, the popular idea of "the Great American Desert" at one time included the whole region between the one hundredth meridian and the Rocky Mountains.¹³ By 1870, this term had largely lost its meaning, as far as most of the area was concerned. The old idea still persisted, however, with regard to New Mexico and was to appear again and again in the arguments of those opposed to the admission of the territory to the union. Even New Mexicans were inclined to disagree as to whether or not they could afford to have tourists see the territory with their own eyes. Thus, in discussing the possibility of having daylight trains run through New Mexico over the Atchison, Topeka and Santa Fé railroad, the Albuquerque *Citizen* said in April, 1892:

11. Smith, Justin H., *The War With Mexico* (New York, 1919). vol. 1., p. 293.

12. *Congressional Globe*, 33 Congress, 1st session, vol. 29 (appendix) p. 1034.

13. See "The Notion of a Great American Desert East of the Rockies" by Ralph C. Morris, *Miss. Valley Historical Review*, vol. XIII., pp. 190-200.

A good view of the Rio Grande valley . . . would do more to disable a man's mind of the popular idea that the whole of New Mexico is a desert, than all the printed matter that the company could publish.

Commenting on this opinion, the *Optic* said:

Now, that is doubtful. Many have heard of the wonderful Rio Grande valley, and when they pass along its wilderness of sands, miles upon miles, with nothing to break the solitude of the desert, a very unfavorable opinion of New Mexico is formed, and one which the few cultivated places in the valley along the line of the Atchison road often fails to remove.¹⁴

The fitness of the people of New Mexico for statehood does not seem to have been raised in the early debates in congress on the admission of the territory. On March 3, 1871, J. Francisco Chaves, delegate to congress, made an able presentation of the grievances of New Mexico and of its desire for statehood. During his remarks, he paid a fine tribute to the loyalty and conservative character of the people of the territory. His words, however, do not suggest that any question had been raised as to the character of the inhabitants of New Mexico.¹⁵ Nor does the speech of Stephen B. Elkins, also a delegate from New Mexico, May 21, 1874, prove any such contention.¹⁶

The chief opponent of the admission of New Mexico at this time was Clarkson N. Potter, a democrat who served four terms in congress. The *New Yorker*, who claimed some familiarity with territories since he had done some

14. *Optic*, April 28, 1892.

15. Forty-First Congress: *Congressional Globe* (Washington, 1871): Third Session, vol. III (Appendix) pp. 244-47.

16. Elkins paid the following tribute to the inhabitants of the territory: "There is certainly no good reason for this treatment on the part of the Government. Nothing can be urged against the people of New Mexico.

They are loyal and law-abiding, peaceable, well-disposed, and wedded to our institutions. They love our country, our Union, and our laws. Though our adopted sons by the fortunes of war, their conduct during the rebellion furnishes a bright example of patriotism and loyalty which certainly deserves a better recognition now than injustice and discrimination." *Congressional Record*, vol. 2, part 6, appendix p. 299.

surveying in Wisconsin in 1843,¹⁷ might seem to have been prejudiced against New Mexico, since he stated that it would make no difference, with regard to his opposition, if the territory "had two hundred thousand population instead of one hundred thousand."¹⁸ Furthermore he referred briefly to the people of the territory as follows:

This is a territory of slow growth, not of rapid growth. Its population is composed mainly of descendants from Mexicans. The business of legislation in the territorial Legislature is carried on, I am informed, largely by means of an interpreter, as is also business in its courts. A very considerable portion of the population of the Territory do not speak the English language. It seems to me that these are all reasons why, so far as the interest of New Mexico is concerned, she has now less claim than another Territory with no more population might [have].¹⁹

If these words suggest prejudice, a careful reading of Potter's entire speech shows that he emphasized two ideas: first, the slow growth of New Mexico during twenty-six years of American rule indicated that she would remain sparsely settled;²⁰ second, her admission would be dangerous, since it would add to the power of the already too powerful minority of westerners in the senate.²¹

Apparently, it was not until the late eighties that opponents of the admission of New Mexico boldly and openly attacked the character of her people and their fitness for full citizenship. The admission of Colorado in 1876 had cost the democrats the presidential election of that year. The result was that party leaders began to consider the admission of new states more carefully from the standpoint of party expediency. Months before the election of 1888, they must have known that the contest would be a

17. *Congressional Record*, vol. 2, part 5, p. 4132; *Biographical Directory of the American Congress, 1774-1927* (Government Printing Office, 1928), p. 1425.

18. *Congressional Record*, vol. 2, part 5, p. 4134.

19. *Ibid.*, p. 4131.

20. *Ibid.*, p. 4134.

21. *Ibid.*, pp. 4134-35.

close one, even though they could not foresee that the defeated candidate would receive the majority of the popular vote. With the two parties so nearly equal in strength, the greatest care must be exercised in the admission of any new states. Thus, when the democrats finally reconciled themselves to the fact that they could no longer keep out Dakota, the Springer "Omnibus bill" which they sought to push through congress, was regarded as "the fruits of death bed repentance." Republican papers expressed great indignation because "Dakota with its great wealth and growing population" had been "linked to the rotten borough of New Mexico." It was at this time and under these circumstances that the press initiated a flagrant attack upon the people of New Mexico.

Early in January, 1889, the *Optic* declared that "the unworthiness of the people of New Mexico to be granted the privileges of statehood" was being discussed "with more venom than wisdom or information," and that it would be well for the eastern papers to remember that both houses of congress had voted to admit New Mexico in 1874, and the only reason the bill failed was "for lack of time to harmonize some differences of very minor importance."²² Toward the end of the same month, the *Optic* declared that "abuse of this Territory was the prevailing fashion of the day," but that the editor had ceased to pay any attention "to the floodgates of filth which many of the eastern papers have opened for the inundation of New Mexico."²³ However, he proceeded to reproduce a part of an article in the *Indianapolis News* "which goes so much beyond anything we have seen elsewhere," and which impressed him "as a rare specimen of the genus asinus." This choice piece of Hoosier wisdom denounced the Springer bill as "a bit of partisan impudence." While admitting that New Mexico might "have population enough for a state," it declared that "a large part of its population" was "far less fit" for American citizenship than the "plantation hands" of the

22. *Optic*, Jan. 2, 1889.

23. *Ibid.*, Jan. 28, 1889.

Old South, whose masters "talked of little else than politics." "In this indiscreet way," the *News* declared, "a good many slaves learned more of political rights and action than the average native of New Mexico."²⁴

Referring to "the general policy of the eastern press to villify, lie about, and slander the people" of New Mexico, the Silver City *Enterprise* declared on Dec. 28, 1888 that "it has remained for the Chicago *Tribune* to outdistance all others in vile, low-down, uncalled-for, ignorant, untruthful aspersions against our people." The extract which he quoted, from the *Tribune*, however, was outdone by an editorial which appeared in that paper on Feb. 2, 1889. In commenting on the passage of the Springer bill by the house, the editor approved the proposal to convert the northwestern territories into states. He objected, however, to the admission of New Mexico. He asserted that she had fifty thousand less than the number which should be required for a state. Making a scurrilous attack on the character of the people of the territory, he declared that they were "not Americans, but 'Greasers,' . . . ignorant of our laws, manners, customs, language, and institutions." They were, he charged, "lazy," "shiftless," "grossly illiterate and superstitious."²⁵ His conclusion was that Wyoming with sixty thousand less people was "far more deserving of statehood."

One week later another editorial in the *Tribune* referred to the "Protest of Citizens of New Mexico against the Admission of that Territory into the Union of States" as "a remarkable document" "to which frequent reference has been made." The editorial said:

It (the protest) confirms what has so often been urged by the *Tribune*—namely: that New Mexico is unfitted for Statehood; first, because the greater part of her population is unfamiliar with the English language and would be at the mercy of unscrupulous rings of politicians; second, because the political power of the Territory is controlled by

24. *Ibid.*

25. *Chicago Tribune*, Feb. 2, 1889.

dishonest men; third, because any code of laws made would be a disgrace to the State should it be admitted; and, fourth, because its political leaders are leaders for revenue only, the only limit of whose rapacity has been the amount of money raised by taxation.²⁶

As the Chicago *Tribune* took the lead in slandering New Mexico, its attack did not go unnoticed. The *Optic* pointed out that the editor who had allowed his paper "to shamefully abuse the native born American citizens of New Mexico" was not "a native born American, but an emigrant from New Brunswick," who had never been in the territory he was slandering.²⁷ The *New Mexican* suggested that possibly the editor was "very sour on New Mexico" because he had put money into that gigantic and powerful corporation, the Rio Grande Irrigation and Colonization Company, which claims to own 1,400,000 acres of land in the Rio Grande valley, all level, and under titles brought down from the very day Montezuma mounted his historic eagle and flew away to far Anahuac.²⁸ However that may be, the territorial editors were probably right in holding Joseph Medill personally responsible for the columns of dirt which appeared in his paper almost continually. The owner of an interest in the *Tribune* from the winter of 1854-55, Medill had bought the majority of the stock of the paper in 1874, and controlled its policy during the remainder of his life.²⁹ One of the greatest editors in the history of American journalism, he was actively in charge of the *Tribune* until the day of his death in March, 1899. Since he was one of the organizers of the republican party and a strong partisan

26. *Ibid.*, Feb. 9, 1889. The same editorial also quoted an article from the Kingston *Shaft* which said that the native people of New Mexico "have failed to assimilate themselves to the spirit and genius of our institutions; for forty-two years they have been under the protection of the American flag. During that time a generation of people has grown up that are ignorant of the language of their country, nor do they wish to have it taught to their children."

27. *Optic*, Jan. 2, 1889.

28. *New Mexican*, March 4, 1890.

29. *Dictionary of American Biography* (New York, 1928-1937), vol. XII., pp. 491-92.

who had fought Springer for years, it was natural that he should favor the division of Dakota and oppose the admission of the more distant territory in the southwest.

Apparently the republican press inaugurated the campaign of slander against the people of New Mexico, but congressmen were not slow in joining it. Thus, when the house committee on territories reported the Springer bill favorably, March 13, 1888, five republican members brought in a minority report, recommending that North and South Dakota be admitted as two states and that the provision for the admission of New Mexico be stricken from the bill. Among the reasons given for opposing statehood for the southwestern territory, the report declared that "a large number of the people are uneducated, and unfamiliar with either our language, customs, or system of government."³⁰ Strange to say, this thesis was buttressed by lengthy extracts from *El Gringo, Or New Mexico and Her People*, which had been published in 1856. The author, William Watts Hart Davis, had served as United States district attorney for New Mexico in 1853-54.³¹ A native of New England, Davis has recently been described by Mr. Harvey Fergusson as a "green" tenderfoot, who was prejudiced against the native people because of their dark color and "shocked by much that he saw in New Mexico, . . ." Mr. Fergusson adds:

The morals of the country he found to be very bad, and perhaps he even made them out a little worse than they were, as moralists are apt to do.³²

All of this made the book excellent propaganda material for the minority report.³³ Evidently congressional partici-

30. *House Reports, Fiftieth Congress, First Session*, vol. 4, report no. 1025, p. 40.

31. Twitchell, Ralph E. *The Leading Facts of New Mexican History* (Cedar Rapids, Iowa, 1912), vol. II, p. 314. Davis was also secretary of the territory in 1857 and acted as governor for eleven months. *Ibid.*

32. W. W. H. Davis, *El Gringo or New Mexico and Her People* (The Rydal Press, Santa Fé, New Mexico, 1938). See the introduction by Harvey Fergusson.

33. In 1887 General Davis, who had become quite an authority on local Pennsylvania history, read a paper on "The Spaniard in New Mexico" at the Boston meeting of the American Historical Association. Doubtless his appearance at this time helped to call attention to his earlier book on New Mexico.

pation in the abuse of New Mexico encouraged more republican editors to take part. Mudslinging proved effective, since people read sensational editorials. At any rate, the Denver *Republican*, always the friend of its neighbor to the south, said on May 24, 1889:

What, more than anything else, has kept New Mexico out of the Union is the belief on the part of Eastern men that to a large extent its population is ignorant, superstitious and not in sympathy with American ideas of government and private right.

Twelve years later eastern newspapers were still indulging in caustic comment on the New Mexico their readers knew so little about, and it was still a territory.³⁴

The ignorance and misconceptions of the east regarding New Mexico slowly gave way to more accurate information and a more sympathetic attitude. This came about largely through an extensive advertising campaign over a period of years. It is the purpose of this second half of this article to describe briefly some of the ways in which this end was achieved.

Perhaps it is not too much to say that this campaign began in 1880, when the territorial legislature passed an act "establishing a Bureau of Immigration." This board was to consist of twenty members appointed by the governor—each county having at least one. The secretary was to be a salaried official, and was to maintain an office in the territorial capital. The purpose of the board was set forth in section 3 as follows:

The duties of such commissioners shall be to prepare and disseminate accurate information as to the soil, climate, minerals, productions, and business of New Mexico, with special reference to its opportunities for development, and the inducements and advantages which it presents to desirable immigration and for the investment of

³⁴. One of the most caustic editorials which appeared during the statehood boom at the beginning of the century is found in the Philadelphia *Evening Telegraph* for Dec. 13, 1902.

capital. They shall have prompt replies sent to all inquiries relative to the above subjects, that may be addressed to them; and shall publish and distribute such pamphlets and documents, as, in their opinion, shall tend to promote the objects of their organization.³⁵

The commission was handicapped in its important work by the smallness of its appropriation, which varied from \$1,500 to \$2,000. This inadequate sum had to cover the salary of the secretary and the cost of publication of the literature issued. Fortunately, however, its secretary and directing genius for twelve years was Max Frost, the brilliant editor of the *New Mexican*.³⁶ The most influential newspaper man in the territory for years, Frost was a master of propoganda and a skillful diplomat who readily enlisted the coöperation of almost everyone in his schemes. Without attempting to estimate what the Bureau of Immigration accomplished in publicity for New Mexico during the last three decades of the territorial period, we may turn to its biennial report for 1889 and 1890 for a sample of its activities. First, the report stated that during September and October, 1889, a car "containing a fruit, grape and cereal exhibit" from the territory had been sent on a tour of exhibition from Colorado to Illinois all along the line of the Atchison, Topeka and Santa Fé railroad. Many circulars and pamphlets had been distributed from the car. Second, a resolution had been adopted by the bureau which resulted in Gov. Prince's sending a delegation to Washington which succeeded in getting congress to provide for the settlement of the Spanish and Mexican land grants in the territory. Third, about 10,000 copies of a book prepared by the secretary were distributed, "the bulk of them in the United States, and about 2,000 copies in the United Kingdom." Fourth, about 50,000 circulars had been distributed, over

35. *The General Laws of New Mexico*. Compiled by L. Bradford Prince (Albany, New York, 1882), Article VII, section 3, pp. 58-59.

36. For a sketch of Frost, see my article on "The Attitude of the Territorial Press," in vol. XIV of the *Review*.

1,400 letters of enquiry answered, and from ten to fifteen copies of the book on New Mexico were "being mailed almost daily by the Secretary in compliance with special requests; . . ."

The title-page of the book referred to reads: *New Mexico: Its Resources, Climate, Geography and Geological Condition: Official Publication of the Bureau of Immigration*, Edited by Max Frost, Secretary, Santa Fe (New Mexican Printing Company, Santa Fe, N. M., 1890). The report stated that the Atchison railroad and the Atlantic and Pacific had given financial aid, and they had also distributed over 7,000 copies of the book. Aid was also given in the circulation of literature by the Maxwell Land Grant company, officials of the Census Office and Geological Survey of the United States, and by ten residents of the territory mentioned by name.³⁷

Much of the literature circulated by the Bureau of Immigration took a very optimistic view of the resources and prospects of the territory. This is indicated by the following phrases which appeared on the cover or title page of some of the pamphlets issued: "The Section Offering the Greatest Opportunities to Men of Brains, Energy, Capital," "A Mineral Belt Unequaled on the Face of the Earth for Quality, Quantity, or Extent. Four Hundred Miles of Gold, Silver, Copper, Lead, and Coal," and "With Irrigation the New Mexico Farmer has Rain When He Wants it and Seldom when He Don't Want it."³⁸ Doubtless, some of this literature was misleading, and did the territory more harm than good. Thus in an address to the irrigation convention held in Las Vegas in March, 1892, O. A. Hadley said:

Now I say to you, and I know whereof I speak, that there has been great damage done the territory of New Mexico by reports that have gone out in flaming circulars and in articles written for news-

37. Territory of New Mexico: *Biennial Report of the Bureau of Immigration for the Years 1889 and 1890*. By the Secretary. (Santa Fe, 1891), pp. 4-8.

38. The pamphlets referred to were published by the Bureau in 1895, 1896, and 1897.

papers devoted to immigration, saying to the people of the east: "Here are farms, and with your plow and your family, you will raise crops equal to those in the east! Come and take this virgin soil." What has been the result? I could point you to two or three instances, where colonies have been brought into this Territory under those representations, and they have found it entirely different from what they expected. They have expended their little means, and returned to their former homes or some other land, to tell their tale of woe; and the misrepresentations of the Territory of New Mexico are made to their neighbors and all who hear them. Thus, immigration to New Mexico is dead.³⁹

Naturally, an occasional discouraging note had little effect upon the work of the Bureau. The *Biennial Report for 1901-02* claimed that

Owing to the efforts of the Bureau, more capitalists, healthseekers, tourists and homeseekers have come to New Mexico during the years 1901 and 1902 than ever before in its history and that many persons, who finally made their permanent home in the Territory were brought here by the information scattered broadcast over the Union in the publications of the Bureau.⁴⁰

Probably one of the most effective channels for advertising New Mexico during the last two decades of the territorial period were the various expositions held during those years, especially the Columbian Exposition at Chicago in 1893 and the Louisiana Purchase Exposition at St. Louis in 1904.

L. Bradford Prince, who was governor of New Mexico when preparations were being made for the Chicago exposition, was very anxious that the territory should be well represented there. In his message to the legislature, in

39. *Optic*, March 18, 1892.

40. *Biennial Report of the Bureau of Immigration of the Territory of New Mexico for the Two Years Ending November 30th, 1902*. (Santa Fe, N. M., 1903), p. 7.

December, 1892, he declared that the event came at a most opportune time for the territory, and that there was no country or section to which it was of more importance than to New Mexico. "Notwithstanding all that has been said or written," he wrote, "the idea is prevalent outside of our own vicinity, that New Mexico is a land of dry and barren wastes, where there is little agriculture and no horticulture, where attempts at mining have been attended by failure and where nature has done almost nothing to attract or support a population. Good fortune now presents the opportunity of correcting all these errors. Kansas and Colorado had a similar opportunity presented to them, at the Centennial Exhibition in 1876, and took advantage of it in a way which impressed the entire nation and brought hundreds of thousands of citizens and millions of money to their aid."⁴¹

The task of making sure that New Mexico was well advertised at Chicago was entrusted to a territorial board of world's fair commissioners, of which William T. Thornton was president and W. H. H. Llewellyn secretary.⁴² A former Missourian who had come to Santa Fé as a healthseeker, Thornton had been chosen mayor of that city in 1891, being "the nominee of both political parties."⁴³ In spite of the latter's popularity, there is reason to believe that Frost was jealous of the new set-up, since the *Optic* asked what the secretary of the bureau of immigration hoped to accomplish "by making war on the Territorial Board of World's Fair Commissioners?"⁴⁴ The *Optic* said that Frost had fought the appropriation and done all he could to obstruct progress. He added that it was doubtful if Frost could find another person in New Mexico to agree

41. *Proceedings of the House of Representatives of the Territory of New Mexico. Thirtieth Session.* (Santa Fe, 1893), P. XXXII.

42. The women of the territory were also organized under the leadership of Mrs. Edward L. Bartlett, for many years a leader in the social life of Santa Fé. Mrs. Bartlett contributed to the *Optic* for March 26, 1892, a long letter urging the need of the most comprehensive exhibit at Chicago.

43. Twitchell, *op. cit.*, p. 516, n.

44. *Optic*, April 28, 1892.

with him that the territory should not be represented at the fair.⁴⁵ Later it developed that, while the legislature had attempted to appropriate \$25,000 to advertise New Mexico at the fair, the law was defective and would probably not bring in more than \$12,000.⁴⁶ The result was that the commissioners held meetings in county seats throughout the territory to enlist popular support. Speaking in Las Vegas, Thornton explained the defect in the appropriation, and then said that the board had subscribed \$2,500 to be used in constructing a territorial building, of which one room would be devoted to New Mexico.⁴⁷ He declared that it was generally agreed

that probably in the life of none of us will an opportunity occur, again, when we of New Mexico can so thoroughly advertize her resources—the vast natural wealth that lies hidden within the bosoms of her mountains, and upon her plains, the beautiful valleys that can be made to blossom with irrigation as nowhere else in this country, our splendid sunshine, and our great health resorts!

Now, it is generally believed throughout the east that this is one vast desert; that there are a few insignificant mines scattered over New Mexico, but that it is not a place for a home-seeker, that there are no places for farms. There are many things, in our beautiful land, which I would love to exhibit, and would be interesting to the whole civilized world . . . but our poverty compels us to be practical. Hence, every other idea has been made secondary to the main idea of dissipating the erroneous eastern opinion of New Mexico's resources as a desirable home for the American immigrant of today.

Getting down to practical matters, Thornton stated that the board planned to get out a booklet which would contain fifty pictures of the products of the territory. One million copies were to be issued at seven cents a volume, and 10,000

45. *Optic*, April 28, 1892.

46. Statement of R. J. Palen, territorial treasurer. *Optic*, March 26, 1892; April 23, 1892.

47. *Optic*, April 23, 1892.

copies were to be given away each day of the fair. The board would canvass the counties, promising that every cent contributed would be spent in advertising the county where it was given. The meeting met with a hearty response in Las Vegas. The Commercial Club undertook to raise \$3,000 or more to advertise San Miguel county. It was stated that the Maxwell Land Grant company had subscribed \$2,500 and that the Eddy Irrigation company had made the second largest private contribution.⁴⁸

Col. T. B. Mills, superintendent of New Mexico's exhibit, was very optimistic as to the result of all this activity. Early in 1893 he gave the following interview to the *Chicago Dispatch*:

Our display of minerals and of horticultural products will be large, but we expect to surprise a great many people by our agricultural products. You see the soil down there contains sulphate of lime, which gives it wondrous strength and enables us to raise year after year the finest cereals in this country. The oats frequently attain the height of seven and one-half feet, and will average 125 bushels to the acre. Our agricultural wealth is not generally understood throughout the United States. The agricultural department at Washington sends to us each year for seed wheat to distribute.⁴⁹

Throughout the year the territorial press continued frequent references to the preparations being made in the territory. The *Optic* for April 21, 1893 stated that three carloads of New Mexico exhibits had been shipped, and three more were to follow. Three thousand pounds of minerals from the mines of the Magdalena district and a stuffed burro were mentioned specifically as being included. It was suggested that Governor Prince's art and curio

48. The *Rio Grande Republican* stated that Las Vegas was going to issue "40,000 immigration folders to be distributed at the World's Fair." It suggested that the Mesilla valley follow this example. *Rio Grande Republican*, quoted by *Optic*, March 3, 1893.

49. *Chicago Dispatch*, quoted by *Optic*, Feb. 23, 1893.

collection be borrowed to adorn the territorial building.⁵⁰

Doubtless the exposition served to remind thousands of people that New Mexico was actually a part of the United States, and to convince them that it was not an uninhabitable desert. The attendance was over twenty-seven and a half million, the average daily attendance over 172,000.⁵¹ "New Mexico Day," designed "to 'set the world a talking' about the wonderful Territory which will soon enter the grand sisterhood of states," was described fully by the *Optic*. The ringing of the liberty bell having served to attract a crowd, many responded to the invitation to gather at the Territorial building for the exercises of the day and to partake of the fruit—"products of New Mexico soil" which would be distributed.

Long before that hour, the building was crowded . . . by a mass of people eager to learn something of the land which they had always looked upon as but a wild and almost worthless back yard of the U. S. Every son and daughter of the Sunshine state was besieged with questions regarding the land which was to so many a terra incognita, and every tongue grew eloquent as the beauty, productiveness and climate of the favored Territory were descanted upon.⁵²

Five speakers were on the program: Thornton, who had become governor of the territory the preceding spring; Ex-Governor Prince, Captain John Wallace Crawford, Francis L. Downs, and Bernard S. Rodey. While touching upon the past history of the territory, the speakers emphasized the present and the future. The last named speakers especially dwelt on the advantages offered by New Mexico to home seekers. Captain Crawford was a veteran of the Civil War and the wars with the Sioux and the Apaches, who had a ranch near San Marcial. "Captain Jack," as he was usually known, later dressed in buckskins and made a second talk,

50. *Ibid.*, April 27, 1893; *Proceedings of the House of Representatives of the Territory of New Mexico. Thirtieth Session*, p. XXXIV.

51. *Encyc. Americana* (New York, 1938) vol. 29, p. 557.

52. *Optic*, Sept. 22, 1893.

which was "devoted to a correction of the general belief that the border men and especially the cowboys were outlaws from justice and blood thirsty desperadoes who would snuff out a life with as little compunction as they would snuff a candle. He pictured the cowboy in his true colors, as an honest, generous, hard-working man, and not the wild desperado shown by the fakirs on the theatrical stage and in the wild west shows with which the east has been so long afflicted." The "fruit distribution" which followed included peaches, pears, apricots, nectarines, and grapes. The correspondent of the *Optic* wrote:

It was an object lesson which will never be forgotten by those who participated in it, an advertisement of our resources greater in effect than all the tons of printed matter sent forth.

Altogether, New Mexico Day at the exposition seemed "a grand success," which did much to advertise the resources of the territory.⁵³

Governor Thornton had been succeeded by Miguel A. Otero when the St. Louis exposition was held in 1904. Determined that New Mexico should be well represented, the little governor secured a large appropriation from the legislature, even though State Senators A. B. Fall and W. A. Hawkins declared that he was trying "to pilfer thirty thousand dollars of the taxpayers' money for a social spree in St. Louis. . ."⁵⁴

Speaking of the results obtained, Otero says:
The New Mexico building at the exposition was an attractive structure in the mission style. The exhibit was designed to attract the attention of home-seekers and capitalists. In addition to Navajo blankets, Indian baskets, and pueblo pottery, there were samples of the apples, cotton, and wool raised in the territory. The collection of minerals was very comprehensive, turquoise being

53. The Chicago Sunday papers for Sept. 18th., were said to contain flattering notices of the event.

54. Otero, Miguel A., *My Nine Years as Governor of the Territory of New Mexico, 1897-1906* (Albuquerque, N. M., 1940), p. 305.

especially conspicuous. Ours was the only exhibit of this gem at the exposition.

“New Mexico Day” was celebrated by speeches by Governor Otero and Judge John R. McFie, who dwelt on the productiveness of the territory’s farms, ranches, and mines, and its excellent financial condition. The reception which was held in the afternoon was said to have been attended by many members of prominent families in St. Louis who had known Otero as a boy, or his father and mother, as well as by “an unusually large number of people from the territory, including many representatives of its native population.”⁵⁵ More than two thousand people were said to have attended the reception.⁵⁶

Thus these expositions served to carry something of New Mexico to countless throngs of people. About the same time certain lesser gatherings brought a much smaller number to the territory itself. Some of these were only passing through en route to California, and few concerned themselves seriously with an enquiry into the resources and possibilities of the territory in which they found themselves for a few fleeting hours. Probably none escaped, however, without more or less lasting impressions of New Mexico. Instead of carefully selected exhibits, they saw everything. They could see the desert from their train windows. Some went slumming, and saw the worst conditions in the native settlements. Those who cast a professional eye over the territorial newspapers during the spring of 1892 may have noted the intense rivalry which existed between the rising towns of the territory. On Feb. 23 an eastern congressman had introduced a bill into congress to establish a national sanitarium in northern New Mexico or southern Colorado.⁵⁷ Exactly three months later the house committee on military affairs, to which it had been referred, reported it adversely

55. *Ibid.*, quoting an unidentified St. Louis paper.

56. *Ibid.*, pp. 310, 313.

57. The bill was introduced by request by William Cogswell of Mass. *Congressional Record*, vol. 23, part 2, p. 1380.

and it was laid on the table.⁵⁸ The only result was to intensify the rivalry existing among the towns in the region referred to. Las Vegas, Santa Fé, and Albuquerque, were each anxious to secure the sanitarium for itself. The *Optic* proposed the use of Ft. Union, while the Albuquerque *Democrat* fought the suggestion, tooth and nail. The *Democrat* said:

Much of the winter weather at that point (Ft. Union) is almost ferocious, and blizzards sweep unobstructed over the rolling plains thereabouts with a force and bitterness that kill cattle in great numbers every year, and would be simply murderous in their effect upon weak-lunged people.⁵⁹

The same issue of the *Optic* complained that the Albuquerque press seemed

utterly unable to hear of any proposition for the benefit of the northern part of the territory, without at once strongly opposing and bitterly maligning the proposition, no matter what it may be.

Concretely, the *Optic* stated that the Albuquerque papers had described the proposed Denver and El Paso railroad as "a wild goose scheme." One of them had even declared that "the entire distance would not furnish sufficient traffic to pay for the construction of a single mile."⁶⁰ Perhaps the visitors were inclined to smile at such evidences of local rivalries. If so, they may have ceased smiling when they read that the new territorial capital had been burned—

58. *Ibid.*, part 5, p. 4563. The report said: "The bill appropriates \$50,000 for the establishment of a national sanitarium for consumptives. It also creates an expensive commission to be appointed by the President. The project is one that the committee does not think the Government ought to engage in. It therefore recommends that the bill do not pass." *House Reports, Fifty Second Congress, First Session*, vol. 5, report no. 1463.

59. Albuquerque *Democrat*, quoted by *Optic*, March 31, 1892. The *Democrat* concluded: "A commission to select a site in New Mexico for a government sanitarium would not hesitate to give the Rio Grande valley the preference over the high, cold country of northern New Mexico." Quoted by *Optic*, March 31, 1892.

60. Albuquerque had a railroad project of its own. The *Optic* for Feb. 23, 1892, said: "H. B. Ferguson's trip to New York in the interest of the Albuquerque-Durango road is considered auspicious. All Albuquerque is agog over this line. The survey maps and estimates were completed here last week."

probably by an incendiary who wished to revive the question of the removal of the capital from Santa Fé.⁶¹ The same issue of the *Optic* which reported this tragic loss to the taxpayers of the territory also quoted the *Denver News* to the effect that the Ortiz grant in New Mexico "should be thoroughly investigated by congress," as the surveyor general of the territory and others were involved in an illegal attempt to hold a large area of mineral land. More bad publicity for the territory was added by the *Optic* three days later, when the editor declared that the secret ballot was "especially needed in New Mexico, where the influence of a few families in each county is so overwhelming as to largely keep the masses in awe," and that "bribery and corruption of the voter were sadly on the increase in this territory."⁶²

One could scarcely say that New Mexico "put its best foot forward" in the spring of 1892, although it was just at that time that one group of visitors after another descended upon the territory. As these were mostly newspaper people, the thinking people of the territory realized the importance of cultivating their friendship. When the Press League Club arrived in January, the *Optic* declared "There could not have assembled in Las Vegas . . . a body of people more potent for influence on the destinies of our Territory . . ."⁶³ At an entertainment provided for the visitors, Dr. George T. Gould, the associate editor of the *Optic*, requested them

on their return to their fields of labor, to disabuse the minds of their readers of the erroneous opinion that the Spanish-American portion of our population are not qualified for statehood. He urged that, if they should have any pleasant recollections of their trip to this empire Territory, they would show it at home by taking our judgment in the case and advocating for us admission into the union and the cession to the new state of her arid lands.⁶⁴

61. *Optic*, May 13, 1892.

62. *Optic*, May 16, 1892.

63. *Optic*, Jan. 28, 1892.

64. *Ibid.*

The next group was well announced. The *Optic* for April 26 stated:

The National Editorial Association, consisting of several hundred representative journalists, and their ladies, will visit New Mexico, en route to California, about the middle of May.

Greeting them on their arrival, the *Optic* declared that New Mexico wanted statehood, and urged the visitors to "use the resistless power of the press" to help secure the admission of the territory to the union.⁶⁵ While the editors spent the forenoon in Las Vegas, they were unable to get away from the vicinity of the depot. The capitol was burned that night:⁶⁶ fortunately the six hundred copies of the *Optic* which were given them could have contained no word of that disgraceful event.⁶⁷ However, they doubtless were informed of it the next day, as they spent two hours in Albuquerque.⁶⁸

When Las Vegas entertained the Press League Association a spokesman of the organization⁶⁹ expressed the "amazement of the excursionists at what they had seen and learned of New Mexico, . . ."⁷⁰ However, in order to know what these strangers really did see and what impressions they retained one must turn to the columns of their newspapers after they got back on the job. Naturally, some were favorable, while others were the reverse. Let us consider an illustration of each.

The *St. Paul Globe* published a very unfavorable write-up of New Mexico. The writer called it "the most interesting part of greaserland," and described it as a region of adobe huts, drought, bleeding penitentes, tamales and chili con carni. Of East Las Vegas, he wrote:

65. *Optic*, May 12, 1892.

66. *Ibid.*, May 13, 1892.

67. *Ibid.*, May 12, 1892.

68. *Optic*, May 16, 1892.

69. Charles W. Price of the *New York Electrical Review*.

70. *Optic*, Jan. 28, 1892.

The people are picturesque, ignorant—bad. They do not know that New Mexico has become a possession of Uncle Sam. They practice their old Spanish customs, disregarding with contempt the newer habits induced by modern civilization.⁷¹

The writer said that he and his associates had “nosed” about the town for three hours, much impressed by the mud and cacti, the burros and the narrow streets, and the pictures of the saints. They noted in passing that the “new town” claimed to be the most important wool market in the Rocky Mountain region, as well as an educational center. On reaching Albuquerque, they had been driven to Old Town, which was described as “a quaint and dirty relict of Mexican life and manners.” The “bustling town” was pictured in terms of mud, garlic, gambling, prostitution and high prices.

This sensational article naturally got under the skin of the editor of the *Optic*. While he reprinted all of it that dealt with New Mexico, at the same time he denounced it editorially as a striking example of the prostitution of the press. “A bigger batch of lies,” he declared, “would be difficult to find in the adventures of Baron Munchausen.” The following day the *Optic* contained a second editorial referring to the article from the Minnesota newspaper. Appearing under the heading “A Waste of Welcome,” the editorial asked:

Is it any wonder that many in the states oppose the admission of New Mexico to statehood, when their ideas of our population, of the character of our people, or of our stage of prosperity and advancement, are gathered from such productions . . .?⁷²

In conclusion, the *Optic* declared that the citizens of Las Vegas had been “remarkably kind to these runabout newspaper people,” but it had “become convinced that they were casting pearls before swine.” He added:

The members of the Indiana excursion were breakfasted at the Plaza and dined at the Monte-

71. *Optic*, June 14, 1892.

72. *Ibid.*, June 15, 1892.

zuma; and they . . . were the only ones who were gentlemen enough to appreciate their treatment. They went home and not only wrote well of New Mexico, but they seemed to think that they were under obligation to make an effort to secure information about this country and to convey it correctly to their readers.

Certainly the editor of the Plymouth (Indiana) *Democrat* gave a much more wholesome picture of the territory than did the *St. Paul Globe*. Editor McDonald told how he and some colleagues from northern Indiana had spent a day in Santa Fé, where they were greatly interested in the palace of the governors, and especially in the room in which General Lew Wallace had written *Ben Hur*. After visiting the church of San Miguel, the Indian school and the site of old Ft. Marcy, they had been entertained hospitably by Solicitor General E. L. Bartlett and his wife. They also met Antonio Joseph and saw the new capitol building, and came to "realize more than ever the injustice being done to a good and brave people in the unjust refusal of a partisan bound congress to admit them to statehood." Max Frost was described as "a man whose wonderful fund of information concerning the ancient city and the territory was of more value to the excursionists than wagon loads of printed matter."⁷³

The many newspaper men who glimpsed New Mexico in the early nineties furnished a considerable amount of free publicity for the territory. Had more of them been as fortunate as Editor McDonald in meeting the right people, there might have been a good deal more of the right kind of publicity. Whether good or bad, however, it was soon checked by the panic of 1893. People could not afford to travel, and they became too much absorbed in their own problems to give much thought to the distant territory.

Probably the irrigation convention held in Las Vegas in March, 1892, promised to do more to boost the territory than all of the visiting newspaper men put together. When

73. *New Mexican*, Dec. 15, 1891.

the first general irrigation convention in the arid west had been held at Denver in 1873, Acting-governor W. G. Ritch, after writing many letters, had succeeded in inducing only one resident of New Mexico to attend.⁷⁴ The *Optic*, however, stated that the Las Vegas convention was attended "by a large gathering of representative men of the territory" and "by many strangers from other territories and states."⁷⁵ H. C. Hovey, well known in scientific circles in the east,⁷⁶ described the convention in an article in the *Scientific American*. He placed the attendance at 300, and implied that they were almost altogether from the territory.⁷⁷ Evidently much interest was aroused. The *Optic* pointed out that it was very appropriate that the first irrigation convention of the southwest should be held in New Mexico, "since irrigation had been practised there long before the thought of it had entered the mind of the Mormon prophet Then, also," the *Optic* added, "New Mexico is the third in the list of states and territories in the extent of her irrigated land, being exceeded in that particular only by California and Colorado."⁷⁸ The time also seemed auspicious. Charles B. Eddy, Charles W. Green, and J. J. Hagerman had shown in the Pecos valley what irrigation could do for the territory. The *Optic* for Feb. 29 reported that emigrants were passing through El Paso "in car load lots" for Eddy, which had been created a county the preceding year. The *Optic* added:

What was once considered a desert is now under irrigation, and thousands of acres have been reclaimed. Emigrants from western Texas, Arizona and New Mexico, are pouring into the valley in large numbers. This only shows what might be true of every part of the Territory, were immigration properly and systematically pursued.

74. This statement was made by W. G. Ritch himself in a speech at the Las Vegas meeting. *Optic*, March 18, 1892, p. 1, col. 3.

75. *Ibid.*, March 22, 1892.

76. *Who's Who in America, 1899-1900* (Chicago, 1899), p. 353.

77. *Scientific American*, quoted by the *Optic*, April 14, 1892.

78. *Optic*, March 10, 1892.

The *Optic* declared that the Pecos valley was "the best advertized part of New Mexico," and that enterprizes were "developing with proportionate rapidity."⁷⁹ Residents of the Mesilla valley and the Maxwell land grant company had also showed the way. In fact, Hovey stated that 400,000 acres of land in New Mexico were already under irrigation.⁸⁰ Claims were made that sugar beets, raisins, alfalfa and all kinds of fruit could be grown on this land.

The convention lasted three days and was closed by a banquet at the Montezuma hotel. "Thus, we had an opportunity," Hovey wrote, "not only to discuss the grave problems of political economy but also to watch at a safe distance the fantastic mazes of Mexican dances, and to see the most brilliant society of the southwest."⁸¹ William Hall Poore of *Irrigation Age* (Denver) told the convention "the eyes of the east are upon New Mexico," and promised "a campaign which means the building of a greater and grander civilization beyond the 100th meridian."⁸² Enthusiasm was at a high pitch. The men who had put Eddy county on the map had been remarkably successful in bringing capital into the territory, so the long forgotten territory must have seemed to be on the threshold of a wonderful development. Probably no one at the convention had an inkling of the financial depression which was soon to paralyze the Pecos valley, the territory and the nation. It is impossible to tell what the irrigation convention might have accomplished for New Mexico, had it been followed by years of prosperity. Certainly the depression came at a bad time for the territory.

The most famous occasion which brought visitors to New Mexico during the nineties was the first reunion of the Rough Riders, which was held in Las Vegas in June, 1899. Col. Theodore Roosevelt, who was governor of New York

79. *Optic*, April 15, 1892.

80. *Scientific American*, quoted by *Optic*, April 15, 1892. These figures included 100,000 acres in the Maxwell grant and 30,000 in the Montoya grant.

81. Quoted from the *Scientific American* by the *Optic*, April 14, 1892.

82. *Optic*, March 17, 1892. Originally a New Englander, Poore had been a health-seeker in New Mexico many years before this.

at the time, occupied the center of the stage, and it was on this occasion that he enthusiastically promised to go to Washington to work for the admission of the territory. The Albuquerque *Citizen* felt that much good had been accomplished at the reunion. It said:

The celebration at Las Vegas has greatly helped the territory in its struggle to secure statehood. The eastern visitors were surprised to see at Las Vegas a modern city with every convenience and comfort, and a crowd of 10,000 people celebrating the victory of a New Mexico regiment in Cuba. They had expected to find Indians, cowboys, and desperadoes. . . .

Gov. Roosevelt, of N. Y., and the eastern newspaper men who attended the celebration are outspoken in favor of giving the territory statehood. H. H. Kohlsaatt, of the *Chicago Times Herald*, which paper has heretofore opposed statehood for the territory was at the reunion and saw such signs of patriotism and civilization that he has changed his views, and his great paper will hereafter urge statehood for New Mexico. The same can be said for the *Chicago Record*; and the *Capital*, the leading paper in Iowa, published at Des Moines, the home of Congressman Henderson, who will be the next speaker of the house, will urge the claims of New Mexico for admission.

The CITIZEN, several days before the reunion took place, predicted that if the celebration was well attended and the arrangements as they should be, that statehood would be materially helped. The prediction has been more than verified. If properly pushed the bill admitting New Mexico, Arizona, and Oklahoma will pass congress next winter. President McKinley favors the measure. Governor Roosevelt says that he will visit Washington to help pass the bill and Senator Elkins will do everything he can to aid in the matter.⁸³

Thus, we have seen that during the 1890's and early 1900's New Mexico received a great deal of publicity through the work of the Bureau of Immigration and through

83. Albuquerque *Citizen*, June 28, 1899.

various expositions and conventions. As a matter of fact, so many agencies were working to advertise the territory that we can mention only a few of them. From time to time, the United States Department of Agriculture published literature which testified to the agricultural possibilities of New Mexico.⁸⁴ The newspapers of the territory were always on the job. Thus on Jan. 3, 1890, the Silver City *Enterprise* issued a special edition and sent copies all over the country. In view of the declining price of silver, the *Enterprise* placed less emphasis upon the mineral wealth of the region, and more upon pastoral wealth, pointing out that the recent pacification of the Apaches had made the country safe for cattle raising. The value of the region to the healthseeker was also stressed. In issue after issue the *Optic* carried a full column, setting forth the advantages of Las Vegas. After visiting that city, Captain Tom Collier, editor of the *Raton Range*, said in that paper that "the deservedly prosperous city of the meadows" was filling up with "most desirable citizens."

The live and aggressive people of this city are intelligently placing their claims for immigration before the eastern people, and their efforts are meeting with the most satisfactory results.⁸⁵

The Maxwell land grant company advertised its irrigated farm lands for sale in the *Optic*, and also through its headquarters, which in 1892 were changed from New York to Raton.⁸⁶ The other newspapers and towns of the territory, the railroads and the promoters of projected lines all sought to sell New Mexico to both settlers and capitalists. On the eve of the panic in 1893, Las Vegas and other towns in New Mexico were greatly agitated over the proposed Denver to El Paso shortline. Sixty thousand dollars for the new road was raised in Las Vegas,⁸⁷ and some fear was expressed

84. *Optic*, Feb. 29, 1892.

85. *Raton Range*, quoted by *Optic*, Feb. 20, 1892.

86. *Ibid.*

87. *Optic*, April 23, 1892.

that Jay Gould would gobble up the new road.⁸⁸ Denver capitalists were much interested, and the *Post* declared that the short line would open up a new field rich in agriculture, grazing and mining, and would also secure the trade of Old Mexico for Denver.⁸⁹ Railroad men as far away as Boston were contacted regarding the proposed road.

If a variety of agencies were seeking to sell New Mexico to the nation, so were a large number of individual residents of the territory. Rich men, poor men, bankers, politicians—all had one thought—to put New Mexico on the map. It would, of course, be impossible to mention all those who served the territory in this way, or even to tell the whole story regarding any one individual. Let us, however, conclude this article by considering the activities of some of the promoters who worked to boom New Mexico.

A number of these naturally were territorial officials whose duties often took them to Washington and other eastern cities. Among the governors of New Mexico probably L. Bradford Prince and Miguel A. Otero were most active in this way. The former had important connections in the east, served for years as a delegate to the convention of the Protestant Episcopal Church,⁹⁰ and attended the Trans-Mississippi commercial congress each year. Whether visiting his old friends on Long Island, or attending a convention, he never forgot to put in a good word for New Mexico.⁹¹ He frequently attended the Trans-Mississippi convention on statehood for the territories, and each year

88. *Optic*, March 30, 1892. Jay Gould was in El Paso for his health for some time in the spring of 1892. Later he spent ten days in Las Vegas, and also visited Albuquerque. Naturally, the visit of the railroad king put New Mexico in the news. The *Optic* for May 16 said: "the latest *New York World* presents a picture of Mr. Gould viewing the country from the platform of his car, Atlanta." It also excited a good deal of interest as to his interests in New Mexico. Jefferson Reynolds sought to interest Gould in the new railroad, apparently without success. The financier was reported to own "a great deal of coal land near White Oaks," and it thought that he "may dabble some in Pecos irrigation, and may gather into his fold the Pecos valley railroad." *Optic*, March 17, 21, 29, 30, May 16, 1892.

89. *Denver Post*, quoted by *Optic*, Oct. 12, 1892. The *Post* said: "White Oaks is at present the greatest mining camp in America without railroad connection."

90. *Optic*, Oct. 17, 1895.

91. *New Mexican*, Nov. 27, 1891, citing Jamaica (N. Y.) *Journal*.

secured the passage by the convention of a resolution favoring the admission of the territory to the union. A ready writer as well as a speaker, he often wrote leading newspapers in the east regarding New Mexico and her people. Such communications were usually lengthy and well-reasoned, and served as a reply to some recent attack on the territory. Thus the letter of his which appeared in the *New York Tribune*, April 17, 1888, denied the report being circulated in the east that the Mormon element in New Mexico was already so strong as to control affairs in the territory, as well as the idea that the "Mexican" population was "lawless, unintelligent, and unfitted for self-government, . . .," and that, unless there was a preponderance of "American" voters, there would be danger in statehood. Combating these erroneous ideas, he declared that the Mormon population of the territory was "utterly insignificant," and that the native people were conservatives who helped to stabilize the restless Americans who were coming in. The possession of this conservative element, Prince argued, gave New Mexico a "special advantage as a self-governing community over most other territories."

Otero was also quite active, but in a different way. Throughout his nine years as governor he was constantly visiting the east, where he had a wide acquaintance among politicians and newspaper men. He gave out many interviews, but was not inclined to write lengthy communications for the press. Otero lost his prominence as a crusader for statehood when his two terms as governor were over; whereas Prince probably did as much to secure statehood as a private citizen as he did as governor of the territory.⁹²

As a general rule, the business men who sought to bring capital to New Mexico worked quietly. Consequently, they left few traces of their activities in the newspapers.

92. For a fuller account of Otero's activities, see chapter XV of his *My Nine Years as Governor of the Territory of New Mexico, 1897-1906*. Gov. Thornton was probably not as active in getting publicity for the territory as either his predecessor or his successor. However, en route to the Atlanta exposition in 1895, he gave out interviews to the *New Orleans Picayune* and other southern papers.

Apparently the politicians were much more inclined to let the public know what they were doing, hence it is easier to get some idea of their activities, even if we are left in the dark as to what they actually accomplished. Thus, in February, 1890, when Eugene A. Fiske and Miguel Salazar had returned from Washington, where they had gone to make sure of their confirmation as United States district attorneys, the former gave an interview to the *New Mexican* in which he said:

I talked with a great many members of congress, and while they seemed to be inclined to do us justice I was surprised to find that generally speaking they had gathered a very inaccurate idea of the capabilities of New Mexico and the character of its people. Some of them seemed to think that two-thirds of the residents of New Mexico go about in a semi-barbaric condition dressed in a breech-clout and a six-shooter. I introduced Major Salazar as a representative New Mexican and some of the congressmen appeared amazed. He made an excellent impression in behalf of our Spanish-American citizens. I think it would be a good thing for the territory if more of our representative native born were to show themselves in Washington and congress would soon come to recognize how erroneous is its idea of these people. I spent much time in explaining away and correcting the numerous wrongful impressions created in the minds of congressmen by slanderers and falsifiers.⁹³

Salazar gave an interview to the *Socorro Chieftain*, which confirmed what Fiske had said. Among other things Salazar said:

The majority of the members of Congress know little about us and care less. Their general impression of us is that we are only about half civilized, and that the bulk of the population out here still feels that it owes allegiance to Old Mexico. They looked at me with astonishment and incredulity when I told them I was a native

93. *New Mexican*, Feb. 4, 1890.

born Mexican and not the best specimen by any means to be found out here.⁹⁴

Two other political leaders who helped to make publicity for New Mexico were Alexander L. Morrison and Clarence Pullen. The former was an Irishman whom President Harrison appointed registrar of the United States land office in Santa Fé. As he was well known in Republican circles in Ohio, and was a very effective speaker, he frequently took part in political campaigns there. According to the *Raton Range*, he always said something "to remind his hearers that he hails from New Mexico," so that the territory derived a good deal of publicity from his speaking tours. Naturally, he was also at all times ready to say a word for his adopted home in private conversation also. Thus he wrote the *New Mexican* in November, 1891, of an interview with James G. Blaine, who was secretary of state at the time. "Immediately after the usual courtesies," Morrison said, "he began to make particular inquiries about New Mexico and whether the climate was as fine as he had been given to understand."⁹⁵ Pullen, formerly surveyor general of the territory, gave a lecture on New Mexico at Cooper Institute in December, 1890. Speaking of this event, the *New York Sun* said:

. . . it is safe to say that there are but few of the citizens of these northern states who have another idea of New Mexico than that it is an arid, uninteresting and unpleasant region, destitute of picturesque features, and without history or traditions. Those of our citizens, however, who listened to the lecture given last Saturday evening, in the Cooper Union free course on "New Mexico,

94. Socorro *Chieftain*, Feb. 28, 1890.

95. Blaine, who was in poor health and had only a little over a year to live, was probably considering the possibility of seeking his health in New Mexico. Joseph Medill, who wrote on Nov. 30, 1891, urging him to run for the presidency the following year, also suggested that he might retire from the cabinet and spend the winter between his election and his inauguration in the "balmy, sunny, health-giving, anti-malarial climate of Southern California." Muzzey, David Saville, *James G. Blaine, A Political Idol of Other Days* (New York, 1934), pp. 469-70. Blaine did plan to spend the winter in California, but the idea "was reluctantly abandoned in view of the strain which the long journey would be on his health." *Ibid.*, p. 489.

Historical and Picturesque," got some knowledge about this territory, which must soon become a state of the union. They heard of its areas of fertile soil and its grazing fields, of its grand mountain ranges, lofty plateaus, broad rivers and fertile valleys. Its mineral resources are now attracting the notice of heavy investors; its commercial and agricultural activity is increasing with the increase of its population, and its railroads are being extended.⁹⁶

Evidently the *Sun* thought quite well of Pullen and his efforts. Some two years later the *Optic* noted that while he still had property interests in New Mexico "and legions of friends and admirers," he was now an editorial writer on the staff of the New York paper.

Possibly few residents of New Mexico did as much toward interesting easterners in the territory as William H. H. Llewellyn of Las Cruces. A veteran Indian fighter, the "Major" was an interesting character who had the knack of making friends easily. As early as March 6, 1890, the *San Marcial Reporter* gave him the following tribute:

Major W. H. H. Llewellyn is a citizen of whom New Mexico may well be proud. He takes every opportunity to speak a good word for this territory when away. The Washington, Chicago, and St. Louis papers have contained recent interviews with the major and in all of these talks . . . Major Llewellyn has something good to say in favor of New Mexico. Let our other citizens who travel follow the good example thus set and New Mexico will attract the attention that brings immigration and capital.

In view of this high praise, it is interesting to note that Llewellyn was still on the job seven years later, when the *Philadelphia Times* described a visit he made to the capital of Pennsylvania as follows:

William H. H. Llewellyn, speaker of the New Mexico House of Representatives, was given an

96. *New York Sun*, quoted by the *New Mexican*, Dec. 20, 1890.

impromptu reception this morning in the house. Mr. Llewellyn is on his way to Washington on business, and stopped over in Harrisburg to visit the legislature. When he made his appearance in the hall of the house he was invited to a seat by the side of Speaker Boyer.

A resolution was offered by Mr. Muehlbronner, of Allegheny, and adopted, that the house take a recess for ten minutes to allow the members to pay their respects to the distinguished guest and that they be introduced to him personally by Speaker Boyer. The members formed a line and shook hands with the visitor, and welcomed him to the state capitol.

A very versatile man, Llewellyn was not only a lawyer, a politician and a soldier, but was also actively interested in the economic development of the territory. At one time the livestock agent of the Atchison, Topeka and Santa Fé,⁹⁷ he became "largely identified with the mining and fruit growing interests of Southern New Mexico."⁹⁸ In the spring of 1892, the major gave an interview to the *Denver Republican* in which he predicted that the "Atchison", as it was usually called, would build an extension into the White Oaks country.⁹⁹ When both the depression and the Spanish-American war had passed, Llewellyn was still interested in promoting a railroad in the territory. The Roosevelt papers in the Library of Congress show that he made at least one effort to interest his former colonel in one of these schemes. In a letter of April 29, 1901, he asked Roosevelt to put him in touch with "a bright active man from the east" who would help in building a railroad from El Paso to Durango, Colorado. He suggested that both he and the colonel might make money out of the project. He argued that there would be no impropriety in Roosevelt having an interest in the concern, as no concession of any kind was to be asked from the government. The colonel, who had been elected vice-president the preceding November, showed an

97. *Optic*, April 5, 1892.

98. *Optic*, Feb. 8, 1897.

99. *Denver Republican* quoted by *Optic*, April 5, 1892.

unusual modesty. In his reply of May 6, 1901, he said:

Unfortunately I am about the very last man to whom it is worth your while writing in a matter like the one referred to. I think I may say that I am a fairly good colonel of a volunteer regiment or Governor of a State, and there are other jobs I should like to try, but railroading and mining are hopelessly out of my line. I have never been connected with them myself and I would not have the vaguest idea whom to try to interest in them. I am awfully sorry not to be able to help you.

If the major failed to interest Col. Roosevelt in his schemes, perhaps it is significant that he had friends and acquaintances among the political leaders of the Quaker commonwealth. At any rate, Pennsylvania capital was soon being employed to build a railroad in New Mexico, and the Pennsylvanians in congress began to show unusual interest in the fate of the territory. Before we go into that story, however, we must consider the aid which the newspapers of the southwestern states gave in advertising New Mexico.

BOOK REVIEWS

Revolt of the Pueblo Indians of New Mexico and Otermín's Attempted Reconquest, 1680-1682. Introduction and annotations by Charles W. Hackett; translations of original documents by Charmion C. Shelby. Parts I-II, being Vols. VIII-IX of the *Coronado Cuarto Centennial Publications, 1540-1940.* (Albuquerque: The University of New Mexico Press, 1942. ccx+262 pp.; xii+430 pp.; glossary; index. \$10.00.)

Because of his important undergraduate and graduate studies, a quarter century ago, in the sector of Southwestern history treated in these volumes, Dr. Hackett has long been recognized as the especial authority on this period. It is doubtless very gratifying to him, as it will be to students of the Southwest, to have his various monographs thus consolidated and, supplemented by additional source material, published in such a fine way.

It is regrettable, however, to find that Dr. Hackett has not improved the opportunity to edit out numerous misreadings of his earlier work, and that he has fallen into other serious errors through his reliance on transcripts rather than originals or facsimiles. Also, he seems to be unacquainted with important source materials on his period which have become accessible since he did his University work.

Apparently he knows A. G. I., Guadalajara 138, only through secondary transcripts of it and has made no use of the Library of Congress facsimile which was gotten in 1929; nor does he anywhere explain that the "testimonio de los auttos tocantes" and the "testimonio de los auttos pertenecientes" are not originals but contemporary certified transcripts. The originals of both these sets of autos he finds correctly at Mexico City in A. G. N., Provincias Internas 37 and 34 respectively; but these again he knows only through second-hand copies, although the originals were among a great number of records photographed for New Mexico in

1930, and for some years they have been accessible at the Coronado Library of the University of New Mexico.

He tells us (I, pg. xi) that the Bancroft compilation known as "N. Mex. Docs." was copied chiefly from A. G. N., Historia 25 and 26, in Mexico; but he does not evaluate this material. Not only is it inferior to the originals in Provincias Internas, but also to the transcripts in A. G. I., Guadalajara 138; the latter were contemporary copies whereas these in Mexico City were made less carefully and a century later. Even so, facsimiles of A. G. N., Historia 25-26 have been accessible for some years but Dr. Hackett has been satisfied to work from transcripts which he knew were defective. (See his *Bandelier: Historical Documents . . .*, III, 335-339, footnotes.)

Though he does not cite the earlier work of Miss Anne Hughes, he seems (I, p. cxix, note 2) to follow her in identifying correctly the "auttos sobre los socorros," but he is satisfied to cite (as did she) another source as "an expediente without a title"! Yet on the very next page he does properly identify the latter as "Expediente 2" in A. G. N., Provincias Internas 35.

Lastly, as to sources, Dr. Hackett seems wholly unacquainted with the ten legajos of New Mexico records in the Biblioteca Nacional of Mexico City, of which in 1930 France Scholes secured complete facsimiles for the Library of Congress. Among these are important originals which might have saved our editor and translator from some of their mistakes. Take, for example, Father Ayeta's remarkable letter of December 20, 1680 (I, pp. 212-217), which ought to stand out as a high-light of this whole documentation; instead, the vigorous sprightly account of Ayeta is fumbled repeatedly. Governor Otermín had not "marched" but he "came running" from Fray Cristóbal to Salineta, fifty-four leagues in three days! And Father Ayeta with his helpers did not simply "work," they "battled" from dawn to dusk to get that cart with its precious supplies free from the quicksand in the flooding river. Again, some copyist misread the "U" sign;

Ayeta wrote that he had bought 1U600 (1,600) head of cattle,—not 11,600 (p. 215). There never was a Fray “Alvaro” de Zavaleta in New Mexico (same page); the original reads “Fray Juan,” and with him also there were “four other” religious. “La Providencia” is a misreading of “La Purísima.” And who are the illustrious “Escamiela” (I, p. 216) to whom the Father Procurador wanted to pay his respects and so he had decided to gallop forty leagues in four days? The original text reveals that it was “Escañuela” whom we at once recognize as another Franciscan, the then bishop of Durango! And then (below, same page) we have the astonishing picture of Ayeta asking for an important Church preferment for his secretary “who is now fifteen years old”! Every padre had two ages, and Ayeta meant, of course, that his secretary had been “in religion” for sixteen (not fifteen) years—which would make him actually about forty years old.

On the next page (I, p. 217) is a case of careless editing, of which other examples are unfortunately numerous throughout the two volumes. Here the unwary reader will naturally think that the *fiscal* in Mexico, January 3, 1681, is talking about the preceding Ayeta letter of December 20. But the source shows (A.G.I., Guadalajara 138, doc. 19, f. 55v.) that he means Ayeta’s letter of September 11 which, with accompanying papers, is here found entirely out of sequence (I, pp. 106-112).

And why has Dr. Hackett repeated (I, 108-111), with all his earlier mistakes (see *Bandelier: Historical Documents . . .*, III, 335-339), Ayeta’s list of the twenty-one martyred religious? This is another case where he might have found the original among the facsimiles from the Biblioteca Nacional; even a facsimile from A.G.I., Guadalajara 138, would have corrected most of the mistakes. Instead, he relied solely on the Ayer, Bancroft, and Bandelier copies (or copies from such copies), and in consequence seven out of seventeen dates are wrong; also there was no Fray Antonio Sanchez de “Pio” (p. 109); Espeleta (p. 111) had

entered "more than thirty years ago"; and (end of document) there were three who had died a natural death shortly *before* the rebellion, not "after."

Turning back to Dr. Hackett's extended introduction, we note that San Ildefonso and San Juan were not on the west bank of the Rio Grande (I, p. xxxi); there was no Fray "Juan" de Morales (pp. xxxv, 10), nor Fray "Francisco" de Mora (I, 98, 110), nor Fray "Felipe" Daza—despite the certified copy in A.G.I., Guadalajara 138, doc. 19, f. 45v. Ample evidence shows that this padre's name was "Juan." "Father Antonio" (p. xl) is a misreading by some copyist from *Auttos tocantes* of "Padre Custodio" (I, 25). Los Cerrillos is south, not west, from old San Marcos (p. xli, note). The Vargas *auttos* of 1692-93 would have cleared up the editor's doubt as to the moving of San Felipe (I, xliii, note); Puaráy was not north of Sandía (pp. xlix, clxvii). "Arizona" as of the seventeenth century is an anachronism (p. iii),—the Hopi towns were in New Mexico until 1863.

Dr. Hackett's citation of Villagutierre (p. lxxxvii) seems to show that he is unacquainted with that author's great manuscript work, *Historia de la conquista, pérdida, y restauración de . . . la Nueva Mexico*,—of which the Library of Congress has had a facsimile for over ten years. And in the same note, why criticize Thoma rather than Bancroft whom Thoma followed so cedulously, mistakes and all?

"Yumas" (p. cxiv, line 6) is an evident error for "Sumas," but we cannot pass over Dr. Hackett's failure properly to locate the Estero Largo (pp. cxxv, ccviii). It is true that Otermín wrote of it (II, 370) as forty leagues above the camp at San Lorenzo, but either he misspoke himself or he was greatly exaggerating; that distance is definitely disproved by his own *auttos* which he had just completed. From Doña Ana (II, 369) he had detoured with a small party to scout the Organ Mountains (and incidentally he made the first recorded visit to La Cueva!) On the third day he rejoined his weary train, moving slowly down the valley, at "the pools of Fray Blas." Three days later (six

from Doña Ana) they were at the Estero Largo. From the *auttos* and from our own acquaintance with that valley, we should place this about at Brazito; and in fact, it is so identified on Father Pichardo's map of 1811—which Dr. Hackett himself edited. Otermín's "forty leagues" is absurd, for it would put the Estero Largo far north of Doña Ana, somewhere out in the Jornada desert.

At the top of page cxlviii, Dr. Hackett seems to think that, before December 10, Mendoza at Sandía had received a letter which Otermín wrote at Isleta on December 11. At the center of page 178, a passage beginning "Adonde consta nos falta el prelado" has been mistranslated; eighteen plus two does not make twenty-one martyrs.

It would make our review far more technical than it already is, to discuss the various places where documents have been published out of proper relation to each other and without any editorial explanation. This may be due in part to defects in the transcripts used, but in any case it is disconcerting. The careful student will have to go repeatedly to the originals—and this is not easy because most of the citations are inadequate.

Balancing in some measure the adverse character of our review, we are glad to point out that the great bulk of this material on an important and critical period of New Mexico history has never before been readily available. The translation is on the whole excellent, and certainly the general reader will here get a documented picture of the men and events of those times which can be had in no other way.

L. B. B.

John Jacobus Flournoy: Champion of the Common Man in the Antebellum South. By E. Merton Coulter. (Savannah: The Georgia Historical Society, 1941. Pp. 112. \$2.00)

The progress of science and of democracy have combined to make the work of the historian more difficult. The one has forced him to give a footnote for everything he says, while the other has turned his attention largely away from

kings and nobles to the common man. Unfortunately the nobodies in the past have left scant documentary evidence of what they did and what sort of people they were. Occasionally someone like Deveraux Jarratt, the backcountry parson who had almost become a gentleman by the time of his death in Virginia in 1794, endears himself to the student because through his autobiography he speaks for a class of which we know so little. And now Professor Coulter has earned our gratitude by digging up another "forgotten man."

In his *College Life in the Old South* (1928), Coulter said that the people of Athens, Georgia, were sometimes thrown into laughter by the sight of an old man with a long white beard, riding a mule through the streets. An eccentric person, he always wore an India-rubber overcoat, winter and summer alike. An educated man who had drifted into poverty, this John Jacobus Flournoy had a mania for writing to the newspapers and to the prominent men of the day, "and for advancing ideas more fantastic than the tales of the Arabian Nights." He ran for the legislature for fifty years, "and sometimes received as high as a dozen votes." One might think that this remarkable character had been borrowed from Longstreet's *Georgia Scenes!* Fortunately, Professor Coulter kept running across fragments from the pen of this intriguing unknown, and could not resist the impulse to run him down and see what manner of man he was. The result of his industrious research has been the recovery of a man who was misunderstood in his own time and who has been so completely lost sight of that he is not mentioned in *The South in the Making of the Nation*, or in the *Dictionary of American Biography*.

No one would claim that Flournoy was an influential man in his day, although he did possess some wealth and education. Furthermore, he was ambitious to be a leader and showed no lack of perseverance in presenting his ideas to the public. Badly defeated every time he ran for the legislature, he was equally unsuccessful in persuading the

president to send him "to some big country as Ambassador," or to make him governor of Deseret. Everything combined to make him a laughing stock. He became deaf and almost dumb, and at times was mentally unsound. His wives proved unfaithful and ran away with his property; he was continually involved in litigation and almost always lost; and he was never able to sell anything he published. While he wrote at length advising leaders like Jefferson Davis, Andrew Johnson, and Charles Sumner on their problems, there is no evidence that these statesmen adopted any of his suggestions. One idea after another failed of realization. His first wife interfered when he sought to carry out his idea of "Trigamy," a species of polygamy which he had advocated in a pamphlet as a means of abolishing the brothel and the unmarried female from society. He felt that Georgia was treating her Indians wrongfully, but his tears did not save them from being removed to the wind-swept plains of the west. He asserted that the study of Latin and Greek was a waste of time, and that the colleges and universities of the day bred snobbery and contempt for the common man. He did not succeed, however, in making any change in the curriculum, or in setting up a school with a more utilitarian purpose. When he wrote a pacifist pamphlet, advocating the principle of a world court, he sold only one copy. He advocated temperance, but "too frequently" resorted to strong drink himself. He thought that the state should provide a free education, that all children should be compelled to attend school for four years, and that every family should be required by law to subscribe to a newspaper. His views on education never reached the people of Georgia, however, and little was accomplished. The one reform which he advocated successfully was the establishment of a school for the deaf and dumb. By presenting a petition to the legislature and by working as a lobbyist, he aroused interest so that Georgia finally accomplished something along this line.

Flournoy, then, may be remembered as a representative

of people of no importance, as well as the father of education for the deaf and dumb in his native state. His chief significance, however, is that he was an outspoken critic of southern institutions, who enjoyed complete freedom of speech. While of aristocratic birth himself, "he used every opportunity to stir up the poor against the rich," yet no attempts were made to suppress him. He boldly declared that the presence of the negro with his shiftless ways drove the planter on to acquire fresh fields and forced the poor man on worthless land. At the same time, the hiring out of slaves destroyed the market for free labor—unless the work was too dangerous to be done by valuable slaves. Thus, more than twenty years before Hinton R. Helper's *Impending Crisis*, Flournoy showed that the concentration of negroes in the south was responsible for its falling behind the north. For years Flournoy was obsessed with the idea that the only way in which the country might be saved from civil war and the amalgamation of the races was the expulsion of the negro from the United States.

While Professor Coulter's study is a little detailed, it is a significant and interesting human document, and deserves to be read widely.

MARION DARGAN

University of New Mexico.

Lewis H. Morgan's Journal of a Trip To Southwestern Colorado and New Mexico, June 21 to August 7, 1878. Leslie A. White, editor. (Reprint from *American Antiquity*, Volume 8, No. 1, July 1942. 26 pp.)

An addition to the author's two volume *Bandelier-Morgan Letters* (printed by the University of New Mexico Press) and his *European Travel Journal of Lewis H. Morgan* (a publication of the Rochester Historical Society), this booklet tells of the exploration trip which resulted in the publication in 1881, shortly before Morgan's death, of his classic *Houses and House Life of the American Aborigines*. The latter volume was published at the request of

the Archaeological Institute of America which had asked him to prepare for them a plan of archaeological exploration and research in the American field. Comments White: "It was Morgan who first undertook to interpret these ruins and to place Pueblo culture in the large perspective of New World history and ethnology."

The Journal begins under date June 21, 1878, Canyon City, Colorado, after a visit with Adolf Bandelier at Highland, Ill. The trip was made by way of Kansas City, Topeka, and Pueblo, traveling thence on a freight train to Canyon City. There Morgan met two Indians from Taos who said they were Mescaleros but not Apaches. From Canyon City the journey, in a wagon train, proceeded to Leadville and thence southward via Ponca Pass to the Animas, Mancos, Chaco and other tributaries of the San Juan. Under date of July 22, on Animas River, fifty-six miles from Animas City Morgan writes:

The ruins are remarkable for their size and present condition. There are the remains of four large pueblos, quite as large in accommodation as those on the Rio Chaco. * * * It is very much a copy of Hungo Pavié and nearly of the same dimensions. * * * The main building was very plainly five stories high, as there are six rows of apartments, and the side buildings four stories.

His deduction that these pueblos were built by the tribes of Cibola after Coronado captured their villages have been proven erroneous. A curious notation is that the ruins on the Mancos were first visited by Mr. John Gregor and Samuel Beach Axtell, governor of New Mexico, 1875-1879. The cliff houses in McElmo canyon, Montezuma Valley and other sites in the proximity of the "Four Corners" where the boundaries of New Mexico, Arizona, Colorado, and Utah meet were visited. On the return trip, 250 Utes were encountered on the Navajo river. Of Taos he noted:

The two edifices are connected on one side by a wall, and on the other not. The cacique is old and blind. He and the governor received us kindly.

There are three estufas connected with each building. They are round and below ground. We entered one of them by descending a ladder. * * * It is now evening. * * * We hear the boys singing, dancing. They are Iroquois all over. * * * The Taos Indians have fifteen dances and more (Nineteen are listed.). * * * Men do all the field work. Women and men go to town together but the women do the trading. We met a man and woman this morning four miles from the pueblo, the man on horse and the woman on foot. * * * We have purchased quite an amount of pottery. * * * It is not made at Taos at present but at San Juan and sold to them.

Descriptions of mountain scenery throughout Colorado are vivid, of the pueblo ruins accurate, and altogether the monograph should arouse much interest because of the later and far more extensive exploration and research work in the same region. Footnotes and a brief biography of Morgan as well as a bibliography by Professor White, add to the value of the publication to present day students of southwestern archaeology.—P. A. F. W.

The Flag of the United States. By Milo Milton Quaife. (New York: Grosset and Dunlap, 1942, xiv+210 pp.; illustrations, index. \$2.00.)

Strange indeed is it, as the author comments, that "the true story of the Stars and Stripes is known to but few. In its stead, a volume of myth and tradition has developed, which by force of frequent repetition has impressed itself upon the public mind as actual history." This misinformation "is found even in such publications as the Boy Scout *Handbook* and the publications on the Flag issued by the U. S. Marine Corps and the United States Flag Association."

Dr. Quaife has written a book which will doubtless be provocative to many readers,—as when he shows that the "Betsy Ross" yarn is impossible historically; that it is a legend which started as recently as 1870. Beginning with the evolution of flags in early times as national symbols and

the story of the British flag, he goes on to describe the flags which were used by Spain, France, Holland, and England in colonial times, and the strange battle flags which were used in the American Revolution. The "Great Union Flag" raised by Washington during the siege of Boston had no stars; it was simply the British flag (with the "union" in the upper corner next the mast), the red field of which had been broken by six horizontal white stripes.

By act of the Continental Congress, June 14, 1777, the "union" was changed for a blue field with thirteen stars; but the flag created by that act was not intended for the use of land armies—it was needed by our ships on the high seas! In one or two cases during the Revolutionary War a flag may have been used which might be regarded as an early "Stars and Stripes," but the evidence is conclusive that there was no general use of such a national standard until long after that war had been fought to a finish.

Of course the main part of the book gives the history of our flag as it is today. It closes with two chapters on "fictions and myths," and a final inspirational chapter on "the meaning of the flag." Fifty illustrations in color add greatly to the fascinating and informative account.—L. B. B.

NECROLOGY

Grace McDonald Phillips. Born November 2, 1887, at Billings, Montana, Mrs. Phillips was the daughter of Thomas P. McDonald and of Marie A. Campbell McDonald, who now reside at Roswell, New Mexico.

Grace McDonald Phillips attended Annie Wright Seminary for six years, being graduated from her high school work there in 1906. She attended Wellesley College from 1906 to 1910, being graduated with an A. B. degree. In June 1916 she was graduated from the Law Department of the University of Washington and immediately became associated with the law firm of Grinstead & Laube, later becoming a partner in the firm.

On January 1, 1920, she opened an office in New Castle, Wyoming, and thereafter specialized in oil, land titles and probate matters. In 1923, she moved to Casper, Wyoming, to open a law office and continued her practice there until the year 1926 when she moved to Roswell, New Mexico.

While living in Casper, Wyoming, she was married on November, 1924, to W. A. Phillips from whom she was subsequently divorced. Of this marriage there were no children.

In Roswell she had been a charter member of the Business & Professional Women's Club and served as president for three or four years. For years she had been a member of the Roswell Woman's Club and served as president of the club for one year. For several years she was secretary of the Chaves County Bar Association until she became its president, 1935-1936. She was a member of the Protestant Episcopal church. She was also active in Republican party affairs.

Mrs. Phillips was a close student of law, especially with reference to oil and gas while practicing in Roswell, and had established a substantial business in that line at the time of her death.

Mrs. Phillips died after long illness, dating back to September 1940, for which she underwent a major operation in San Francisco. Death took place in St. Mary's Hospital at Roswell, on June 13, 1942. Funeral services were held on Sunday afternoon, June 15, the Rev. Henry H. Heard, rector of St. Andrews Episcopal church, officiating.—P. A. F. W.

Elmer E. Studley, of Raton and Long Island City, died at his home in the latter place on Sunday, September 6. Before coming to New Mexico he had been a journalist in Buffalo, N. Y., and was a first lieutenant of Infantry in Cuba during the Spanish American War. *Who's Who in America* gives the following additional biographical data: "Born on a farm in Cattaraugus county, N. Y., September 24, 1869, son of Jonathan Andrew and Lestina Hadley Studley; lineal descendant of Henry Dunster, first president of Harvard College; A. B. Cornell, 1892, LL.B. 1894, married Louise Knapp Foster, November 21, 1906 (died January 6, 1924). Admitted to New York Bar 1895; in practice Buffalo, N. Y., 1896-1898; Raton, New Mexico, 1900-1917, Long Island City, since 1917. Member of the New Mexico territorial legislature 1907, territorial statutory revision committee 1908; district attorney for Colfax and Union counties 1909-1910; member New Mexico State Board of Water Commissioners 1913-1915; deputy attorney general, state of New York 1924; United States Commissioner, eastern district of New York 1925-1926; Congressman-at-large for New York in the 73d Congress, 1933-1935; member Board of Veterans Appeals since 1935. Member Veterans of Foreign Wars, S.A.R., Phi Delta Phi. Democrat, Mason 32d degree, Elks, Cornell and Navy and Army Clubs. Home, Flushing, Long Island."—P. A. F. W.

Marion L. Fox, whose activities had a decided influence on the course of events in New Mexico, died at his home in Albuquerque on Tuesday evening, September 15, 1942, after a year's illness. Mr. Fox was born near Asheville, North

Carolina, on October 25, 1865, the son of John Jacob and Elizabeth Roberts Fox. He received his A.B. and LL.D. degrees from Tusculum College, Greenville, Tenn., and LL.B. degree from the University of Chicago. As a young man he traveled in the Far East, visiting the Philippines, and Japan.

After serving as reporter on the *Washington Post*, *New York Journal* and *Deadwood Pioneer Times*, he was editor of the *Sioux Falls Daily Press* from 1895 to 1904. He became editorial writer on the *Albuquerque Morning Journal* in 1912 serving until 1920, after which he was a free lance writer and publicity man, much of the time in the employ of the Republican state committee.

He conducted an endowment campaign for his alma mater, Tusculum, raising several hundred thousand dollars. A similar effort on behalf of a projected War Mothers National Memorial Hospital at Albuquerque, resulted in the establishment of the United States Veterans Hospital in that city.

Fox conducted classes in political economy at the College of Agriculture and Mechanic Arts at Mesilla Park and lectured on English at the University of New Mexico 1920-1921. While secretary-manager of the Albuquerque Chamber of Commerce, 1922-23, he also functioned as secretary of the Middle Rio Grande Reclamation Association and the Rio Grande Water Users Association, being largely instrumental in the passage of the law which established the Rio Grande Conservancy District, resulting in the drainage of the central Rio Grande valley in New Mexico.

Although a Republican, Mr. Fox was repeatedly employed by Democratic, Progressive and Independent campaign committees, and was executive secretary for the campaign to nominate W. G. McAdoo for president in 1924.

Says *Who's Who in America*: "Organized Capital News Service, Washington, D. C.; appointed a regent of the Spanish American Normal School at El Rito, 1928; member Bureau of Charities; active in tax reform movement; chair-

man of the campaign committee for adoption of amendment to the state constitution limiting property taxes to twenty mills on the dollar; chairman of committee appointed by State Federation of Taxpayers' Association for redrafting revenue laws of New Mexico 1934."

Fox was a member of the Presbyterian faith. He was the author of *Private Smith in the Philippines* (1900), and contributed on financial topics to various periodicals. He was married to Mary Orahood Russell on March 15, 1906, and had three children (adopted) Vernon S. Fox, Conservancy district employe, Charles Fox of Rolla, Mo., and Margaret Godfrey Fox (deceased). Funeral services were held on Wednesday, September 16, at the Fairview Park Crematory.—P. A. F. W.

Jay Turley, a picturesque figure in New Mexico history, a giant of a man, whose very appearance commanded attention, died at the U. S. Veterans Hospital in Albuquerque on Friday, September 18. Admitted to the New Mexico Bar in 1916, he gave his major attention to land and irrigation development, being also a civil engineer and interested particularly in the San Juan River basin.

Turley was born on April 16, 1877, near Fort Cameron, Utah, son of Omner and Luisa Ann Woodhouse Turley, western pioneers of English descent and parentage. He was a graduate of the Boise, Idaho, high school, and ran away from home to attend the State Agricultural College of Oregon. He read law under Governor L. Bradford Prince and others in Santa Fé, and later pursued special and graduate law courses at the University of Texas and at George Washington University, being admitted to practice before the United States Supreme Court in 1919. He practiced before various government departments and also was a member of the bar of the District of Columbia.

Captain in the 316th Engineers and later major in the 116th Engineers, he was gassed and disabled in France during the First World War. He had been a captain in the U. S. A. Reserves and was ordered into active service on

May 5, 1917, at the Presidio in San Francisco. Then he was transferred to the first engineers' training camp at Vancouver, Washington, where he graduated as valedictorian of his class. Before being ordered overseas on November 15, 1917, among the first 100,000 of the American Expeditionary Force, he had inducted into the Army more than 35,000 men. Upon his return from the War he removed from Santa Fé to Albuquerque, where he had his residence at the time of his death.

It was at the turn of the century that Turley came to Santa Fé, serving as a deputy U. S. surveyor. He was elected to the State Constitutional Convention from San Juan county and helped to formulate the State's irrigation code. He was postmaster of Turley in San Juan county from 1910 to 1913. From 1913 to 1916 he was consulting engineer for New Mexico in the boundary litigation with Texas. In politics, Major Turley was a Republican. He was a 32d degree Mason, and also an Elk; and he was a member of the American Association for the Advancement of Science. *Who's Who in America* lists a number of research and writing projects in which he had been engaged.

Turley was married three times, his first wife having been Urna Bradford Hickox, whom he married on September 7, 1904, being divorced seven years later. His second marriage lasted ten years and also ended in divorce. His third wife was Helen Stiles whom he married in Flagstaff, August 2, 1932. Brothers surviving him are W. Guy Turley of Santa Fé; Louis A. Turley of Norman, Okla.; and J. I. Turley of Los Angeles. He had five children, two sons and three daughters. Of the former, Theodore Roy, was drowned in the San Juan near Turley, and the other, Jay Bradford, is a newspaper man of Dallas, Texas. The daughters are: Dulce Omna, Alice Rosalinda and Urna Luree, one living in Arizona, and two in California.

The funeral took place in Santa Fé, with the Rev. C. J. Kinsolving of the Episcopal Church of the Holy Faith, and the Montoya y Montoya Post, American Legion, officiating. Interment was in the National Cemetery.—P. A. F. W.

The Historical Society of New Mexico
(INCORPORATED)

Organized December 26, 1859

PAST PRESIDENTS

1859 — COL. JOHN B. GRAYSON, U. S. A.

1861 — MAJ. JAMES L. DONALDSON, U. S. A.

1863 — HON. KIRBY BENEDICT

adjourned sine die, Sept. 23, 1863

re-established Dec. 27, 1880

1881 — HON. WILLIAM G. RITCH

1883 — HON. L. BRADFORD PRINCE

1923 — HON. FRANK W. CLANCY

1925 — COL. RALPH E. TWITCHELL

1926 — PAUL A. F. WALTER

OFFICERS FOR 1942-1943

PAUL A. F. WALTER, *President*

PEARCE C. RODEY, *Vice-President*

LANSING B. BLOOM, *Corresponding Secretary*

WAYNE L. MAUZY, *Treasurer*

MISS HESTER JONES, *Recording Secretary*

FELLOWS

PERCY M. BALDWIN

RALPH P. BIEBER

LANSING B. BLOOM

HERBERT E. BOLTON

MARION DARGAN

AURELIO M. ESPINOSA

CHARLES W. HACKETT

GEORGE P. HAMMOND

EDGAR L. HEWETT

FREDERICK W. HODGE

J. LLOYD MECHAM

THEODOSIUS MEYER, O. F. M.

FRANK D. REEVE

FRANCE V. SCHOLES

ALFRED B. THOMAS

PAUL A. F. WALTER

CONSTITUTION
OF THE
HISTORICAL SOCIETY OF NEW MEXICO
(As amended Nov. 25, 1941)

Article 1. *Name.* This Society shall be called the Historical Society of New Mexico.

Article 2. *Objects and Operation.* The objects of the Society shall be, in general, the promotion of historical studies; and in particular, the discovery, collection, preservation, and publication of historical material, especially such as relates to New Mexico.

Article 3. *Membership.* The Society shall consist of Members, Fellows, Life Members and Honorary Life Members.

(a) *Members.* Persons recommended by the Executive Council and elected by the Society may become members.

(b) *Fellows.* Members who show, by published work, special aptitude for historical investigation may become Fellows. Immediately following the adoption of this Constitution, the Executive Council shall elect five Fellows, and the body thus created may thereafter elect additional Fellows on the nomination of the Executive Council. The number of Fellows shall never exceed twenty-five.

(c) *Life Members.* In addition to life members of the Historical Society of New Mexico at the date of the adoption hereof, such other benefactors of the Society as shall pay into its treasury at one time the sum of fifty dollars, or shall present to the Society an equivalent in books, manuscripts, portraits, or other acceptable material of an historic nature, may upon recommendation by the Executive Council and election by the Society, be classed as Life Members.

(d) *Honorary Life Members.* Persons who have rendered eminent service to New Mexico and others who have, by published work, contributed to the historical literature of New Mexico or the Southwest, may become Honorary Life Members upon being recommended by the Executive Council and elected by the Society.

Article 4. *Officers.* The elective officers of the Society shall be a president, a vice-president, a corresponding secretary, a treasurer, and a recording secretary; and these five officers shall constitute the *Executive Council* with full administrative powers.

Officers shall qualify on January 1st following their election, and shall hold office for the term of two years and until their successors shall have been elected and qualified.

Article 5. *Elections.* At the October meeting of each odd-numbered year, a nominating committee shall be named by the president of the Society and such committee shall make its report to the Society at the November meeting. Nominations may be made from the floor and the Society shall, in open meeting, proceed to elect its officers by ballot, those nominees receiving a majority of the votes cast for the respective offices to be declared elected.

Article 6. *Dues.* Dues shall be \$3.00 for each calendar year, and shall entitle members to receive bulletins as published and also the *Historical Review*.

Article 7. *Publications.* All publications of the Society and the selection and editing of matter for publication shall be under the direction and control of the Executive Council.

Article 8. *Meetings.* Monthly meetings of the Society shall be held at the rooms of the Society on the third Tuesday of each month at eight P. M. The Executive Council shall meet at any time upon call of the President or of three of its members.

Article 9. *Quorums.* Seven members of the Society and three members of the Executive Council, shall constitute quorums.

Article 10. *Amendments.* Amendments to this constitution shall become operative after being recommended by the Executive Council and approved by two-thirds of the members present and voting at any regular monthly meeting; provided, that notice of the proposed amendment shall have been given at a regular meeting of the Society, at least four weeks prior to the meeting when such proposed amendment is passed upon by the Society.

Students and friends of Southwestern History are cordially invited to become members. Applications should be addressed to the corresponding secretary, Lansing B. Bloom, University of New Mexico, Albuquerque, New Mexico.